

Exhibit G - Deposition of Defendant Michael Tran

OFFICER MICHAEL TRAN

December 20, 2017

1 CERTIFICATE OF COURT REPORTER

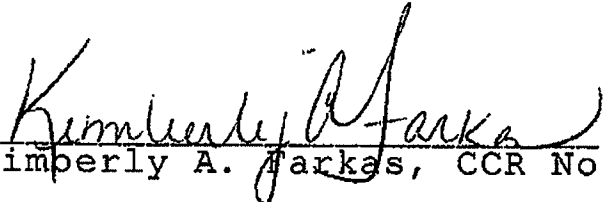
2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Kimberly A. Farkas, Certified Court
6 Reporter licensed by the State of Nevada, do
7 hereby certify that I reported the deposition of
8 Officer Michael Tran, commencing on December 20,
9 2017, at 9:57 a.m.

10 Prior to being deposed, the witness was duly
11 sworn by me to testify to the truth. I thereafter
12 transcribed my said stenographic notes, and that
13 the transcript is a complete, true, and accurate
14 transcription, and that a request was made for a
15 review of the transcript.

16 I further certify that I am not a relative,
17 employee, or independent contractor of counsel,
18 nor a person financially interested in the
19 proceeding.

20 IN WITNESS WHEREOF, I have set my hand in my
21 office in the County of Clark, State of Nevada,
22 this January 8th, 2018.

23
24 
25 Kimberly A. Farkas, CCR No. 741
26

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

ESTATE OF TASHI S. FARMER
a/k/a TASHII FARMER a/k/a
TASHII BROWN, by and through
its Special Administrator,
Elia Del Carmen
Solano-Patricio; TAMARA
BAYLEE KUUMEALI'MAKAMAE
FARMER DUARTE, a minor,
individually and as
Successor-in-Interest, by and
through her legal guardian,
Stevandra Lk Kuanoni; ELIAS
BAY KAIMIPONO DUARTE, a
minor, individually and as
Successor-in-Interest, by and
through his legal guardian,
Stevandra Lk Kuanoni,

Plaintiffs,

Case No. 2:17-CV-01946-
JCM-PAL

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political
subdivision of the State of
Nevada; OFFICER KENNETH
LOPERA, individually and in
his Official Capacity; and
Does 1 through 50, inclusive,

Defendants.

VIDEOTAPED DEPOSITION OF OFFICER MICHAEL TRAN

Las Vegas, Nevada

December 20, 2017

Reported by: Kimberly A. Farkas, RPR, CCR #741

Job: 23498

OFFICER MICHAEL TRAN

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<p>1 Videotaped Deposition of Officer Michael</p> <p>2 Tran, taken at 330 E. Charleston Blvd. Suite 101,</p> <p>3 Las Vegas, Nevada, on Wednesday, December 20, 2017,</p> <p>4 at 9:57 a.m., before Kimberly A. Farkas, Certified</p> <p>5 Court Reporter in and for the State of Nevada.</p> <p>6</p> <p>7 APPEARANCES</p> <p>8</p> <p>9 For the Plaintiffs:</p> <p>10 FEDERICO C. SAYRE, ESQ.</p> <p>11 DARREN D. DARWISH, ESQ.</p> <p>12 ABIR COHEN TREYZON SALO, LLP</p> <p>13 1901 Avenue of the Stars, Suite 935</p> <p>14 Los Angeles, California 90067</p> <p>15 (424) 288-4367</p> <p>16 ddarwish@actslaw.com</p> <p>17 MITCHELL S. BISSON, ESQ.</p> <p>18 CALLISTER LAW</p> <p>19 330 E. Charleston Blvd. Suite 100</p> <p>20 Las Vegas, Nevada 89104</p> <p>21 (702) 333-3334</p> <p>22</p> <p>23 For the Defendant Las Vegas Metropolitan Police</p> <p>24 Department:</p> <p>25</p> <p>26 CRAIG R. ANDERSON, ESQ.</p> <p>27 Marquis Aurbach Coffing</p> <p>28 10001 Park Run Drive</p> <p>29 Las Vegas, Nevada 89145</p> <p>30 (702) 382-0711</p> <p>31 canderson@maclaw.com</p> <p>32 \\</p>	<p>1 DEPOSITION OF OFFICER MICHAEL TRAN</p> <p>2 December 20, 2017</p> <p>3 Kimberly A. Farkas, CCR No. 741</p> <p>4 * * * * *</p> <p>5</p> <p>6 INDEX</p> <p>7 Page</p> <p>8 OFFICER MICHAEL TRAN</p> <p>9 Examination by Mr. Sayre 6</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 APPEARANCES (continued)</p> <p>2</p> <p>3 For the Defendant Officer Kenneth Lopera:</p> <p>4</p> <p>5 DANIEL R. McNUTT, ESQ.</p> <p>6 MATTHEW C. WOLF, ESQ.</p> <p>7 McNutt Law Firm, P.C.</p> <p>8 625 South Eighth Street</p> <p>9 Las Vegas, Nevada 89101</p> <p>10 (702) 384-1117</p> <p>11 drm@mcnuttlawfirm.com</p> <p>12</p> <p>13 Also present: Tom Burtney, Videographer</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 LAS VEGAS, NEVADA</p> <p>2 Wednesday, December 20, 2017</p> <p>3 9:57 a.m.</p> <p>4 DEPOSITION OF OFFICER MICHAEL TRAN</p> <p>5 * * * * *</p> <p>6 (The court reporter was relieved of her</p> <p>7 duties under NRCP 30(b)4.)</p> <p>8 THE VIDEOGRAPHER: Good morning. Here</p> <p>9 begins media no. 1 of the deposition of</p> <p>10 Michael Tran in the matter of the Estate of</p> <p>11 Tashi S. Farmer, et al., versus Las Vegas</p> <p>12 Metropolitan Police Department, et al. This case</p> <p>13 is in the United States District Court, District</p> <p>14 of Nevada, and the case number is</p> <p>15 2:17-cv-01946-JCM-PAL.</p> <p>16 Today's date is December the 20th, 2017,</p> <p>17 and the time is 9:57 a.m. This deposition is</p> <p>18 taking place at 330 East Charleston Boulevard,</p> <p>19 Suite 100, in Las Vegas, Nevada. The videographer</p> <p>20 is Tom Burtney, appearing on behalf of First Legal</p> <p>21 Deposition Services.</p> <p>22 Would counsel please identify yourselves</p> <p>23 and state whom you represent.</p> <p>24 MR. SAYRE: For the plaintiffs,</p> <p>25 Federico Sayre.</p>

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<p style="text-align: right;">Page 6</p> <p>1 MR. DARWISH: Darren Darwish on behalf 2 of plaintiffs. 3 MR. BISSON: Mitchell Bisson on behalf 4 of plaintiffs. 5 MR. McNUTT: Dan McNutt and Matt Wolf on 6 behalf of Officer Ken Lopera. 7 MR. ANDERSON: Craig Anderson on behalf 8 of Las Vegas Metropolitan Police Department. 9 THE VIDEOGRAPHER: The court reporter is 10 Kimberly Farkas. 11 Would the reporter please swear in the 12 witness. 13 OFFICER MICHAEL TRAN, 14 having been first duly sworn, was examined and 15 testified as follows: 16 EXAMINATION 17 BY MR. SAYRE: 18 Q. Officer Tran, my name is Fred Sayre, and 19 I'm representing the children and the Estate of 20 Tashi Farmer-Brown. 21 Do you understand that? 22 A. Yes. 23 Q. And you've been called here today to 24 give a deposition regarding the incident that 25 resulted in his death.</p>	<p style="text-align: right;">Page 8</p> <p>1 Do you understand that? 2 A. Yes. 3 Q. But if you do, that can be commented on. 4 Do you understand that? 5 A. Yes. 6 Q. So we ask you to give your best answer 7 here today. 8 Will you do that, please? 9 A. Yes. 10 Q. If you don't understand a question, 11 please don't answer it. Ask me to repeat it or 12 rephrase it or in some way indicate that you'd 13 like me to say it again. 14 Will you do that, please? 15 A. Yes. 16 Q. If you answer a question, I'm going to 17 assume you've understood it. 18 Is that fair enough? 19 A. Yes. 20 Q. Please wait until I finish my question 21 before you start your answer. And I'll give you 22 the same courtesy; I'll wait until you've finished 23 your answer before I start my next question. 24 Besides being courteous, it's very 25 difficult for the court reporter to take down two</p>
<p style="text-align: right;">Page 7</p> <p>1 Do you understand that? 2 A. Yes. 3 Q. Now, you are not a defendant in this 4 case. 5 Do you understand that? 6 A. Yes. 7 Q. You are here just as a witness. 8 You understand that? 9 A. Yes. 10 Q. All right. You've been sworn to tell 11 the truth. And although we're sitting here 12 somewhat informally in this conference room, do 13 you understand that oath is as binding on you here 14 as if we were in a courtroom of law? 15 A. Yes. 16 Q. Everything that is said here today will 17 be taken down by the court reporter. She'll later 18 have it typed up into a booklet form, and you'll 19 be given an opportunity to read and review it. 20 Do you understand that? 21 A. Yes. 22 Q. When you read and review it, you'll be 23 given an opportunity to make any changes or 24 corrections that you deem appropriate in what 25 you've said here today.</p>	<p style="text-align: right;">Page 9</p> <p>1 people who are speaking at the same time. 2 Do you understand that? 3 A. Yep. 4 Q. At any time during the deposition, if 5 you wish to take a break, just let me know, and 6 your request will be honored. The only thing I 7 would ask is if there's a question pending, will 8 you please answer the question before you take the 9 break? 10 A. Yes. 11 Q. If you -- during the course of the 12 deposition, I may ask you questions that have to 13 do with feet, inches, meters, centimeters, or some 14 other measure. I also may ask you questions 15 having to do with time or some other type of 16 distance. 17 All right. Now, you may or may not have 18 an exact answer to the question, but if you don't 19 have an exact answer, you may have an estimate. 20 If you have an estimate, I'm entitled to your best 21 estimate. 22 Do you understand that? 23 A. Yes. 24 Q. However, if it's just a guess, I'm not 25 entitled to a guess.</p>

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<p style="text-align: right;">Page 10</p> <p>1 That's not always clear, what the</p> <p>2 difference is between a guess and an estimate.</p> <p>3 But if I asked you to estimate the length of the</p> <p>4 table that we're sitting at, you can see the table</p> <p>5 and you can give me a reasonable estimate based</p> <p>6 upon your life experience with feet and inches or</p> <p>7 meters and centimeters.</p> <p>8 However, if I asked you to estimate the</p> <p>9 length of my dining room table in my home in</p> <p>10 Irvine, California, you would have to be a pure</p> <p>11 guess because you've never been there.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Are you under any kind of</p> <p>15 medication that would prevent you from giving your</p> <p>16 best testimony here today, either by recollection</p> <p>17 or by articulation? Do you understand that?</p> <p>18 A. Yes. No, I'm not on any medication.</p> <p>19 Q. Okay. All right. All right. If at any</p> <p>20 time you have a question regarding the</p> <p>21 proceedings, please consult your attorney, and</p> <p>22 then we can proceed forward. Okay?</p> <p>23 A. Um-hum.</p> <p>24 Q. All right. And that's -- thank you.</p> <p>25 You reminded me.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. What year did you graduate high school?</p> <p>2 A. 2002.</p> <p>3 Q. And what year did you get your college</p> <p>4 degree from UNLV?</p> <p>5 A. 2007.</p> <p>6 Q. Did you go immediately into the police</p> <p>7 department, or did you have another occupation</p> <p>8 before that?</p> <p>9 A. No, I did not. I went to -- I was a</p> <p>10 personal trainer.</p> <p>11 Q. Okay. And how long did you do that?</p> <p>12 A. Until 2014-ish. Right before I joined</p> <p>13 Metro.</p> <p>14 Q. Okay. So do I understand from that</p> <p>15 answer that you joined the Metropolitan Police</p> <p>16 Department in 2014?</p> <p>17 A. I joined in -- April 2015 was my</p> <p>18 official date.</p> <p>19 Q. All right. And did you go through an</p> <p>20 academy?</p> <p>21 A. Yes.</p> <p>22 Q. And what -- where did you attend that</p> <p>23 academy?</p> <p>24 A. It was the Northwest Area Command in</p> <p>25 Cheyenne and 215. I don't know the exact address.</p>
<p style="text-align: right;">Page 11</p> <p>1 You just did "uh-huh" or -- and nodded</p> <p>2 your head.</p> <p>3 In a deposition, you need to speak out</p> <p>4 loud. "Yes," "no," or whatever your articulated</p> <p>5 answer is. Such common expressions as "uh-huh"</p> <p>6 and "huh-uh" are not something that we want you to</p> <p>7 do, because then I have to ask you questions like,</p> <p>8 "Do you mean 'yes' or do you mean 'no'?"</p> <p>9 Similarly, with nods of the head or</p> <p>10 shakes of the head, I can see it, I can interpret</p> <p>11 it, but just to be sure, I would have to ask you,</p> <p>12 "Do you mean 'yes' or do you mean 'no'?"</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. So please avoid those kinds of</p> <p>16 responses.</p> <p>17 Now, Officer Tran, what is your present</p> <p>18 occupation?</p> <p>19 A. I'm a police officer with Las Vegas</p> <p>20 Metro Police Department.</p> <p>21 Q. Okay. Could you give me the extent of</p> <p>22 your formal education, beginning with high school.</p> <p>23 A. Graduated high school. I went to</p> <p>24 college at UNLV and obtained a bachelor's degree</p> <p>25 in kinesiology.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. In Las Vegas?</p> <p>2 A. Yes.</p> <p>3 Q. Was it conducted by the Metropolitan</p> <p>4 Police Department?</p> <p>5 A. Yes.</p> <p>6 Q. How long was that?</p> <p>7 A. It was at least six months of academy</p> <p>8 time, and then probably another six months of</p> <p>9 field training time.</p> <p>10 Q. When did you begin your field training?</p> <p>11 A. I graduated October 22nd. I guess a</p> <p>12 month after that. Because there's some classes we</p> <p>13 had to take before field training started.</p> <p>14 Q. October 22nd, 2015?</p> <p>15 A. Yes. That was my official commission</p> <p>16 date.</p> <p>17 Q. Okay. And then you did your field</p> <p>18 training after that?</p> <p>19 A. Yes.</p> <p>20 Q. All right. So that extended until what</p> <p>21 time?</p> <p>22 A. February 2016.</p> <p>23 Q. Were you supervised by any particular</p> <p>24 person in your field training?</p> <p>25 A. I guess my field training officer, and</p>

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<p style="text-align: right;">Page 14</p> <p>1 then my direct sergeant of the squad. 2 Q. Okay. What was his or her name? Field 3 officer first. Field training officer. 4 A. The first one? Because we had -- we had 5 a bunch. 6 Q. Okay. You didn't have one assigned 7 field training officer? 8 A. No. We had -- we cycled through field 9 training officers every two, three weeks. 10 Q. Okay. And how about your sergeant? Did 11 you have more than one sergeant also? 12 A. Yes. 13 Q. Okay. So in February of 2015, you were 14 officially a police officer with the Las Vegas 15 Police Department -- Metropolitan Police 16 Department? 17 A. I guess -- I guess however you see it. 18 But the commission date, I was technically a 19 Police Officer I. After field training, I'm 20 just -- I passed the program, I guess, and can go 21 out on my own. 22 Q. Okay. What did your field training 23 consist of? 24 A. Day-to-day activities of police work. 25 How to do reports. How to respond to calls.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Sergeant Obasi. 2 Q. Spell it, please. 3 A. B-A -- O-B-A-S-I. 4 Q. O-B-A-S-I? 5 A. Yes. 6 Q. Is that a he or a she? 7 A. It's a he. 8 Q. And then when you went to this new 9 squad, you said it's not as proactive? 10 A. It's more of a proactive squad. You 11 don't do calls for service. 12 Q. That one was? 13 A. Yes, correct. 14 Q. What about this one? 15 A. The one I'm currently on is a calls for 16 service squad. 17 Q. Okay. And who is your sergeant? 18 A. Steinmetz, S-T-E-I-N-M-E-T-Z. 19 Q. Is that sergeant? 20 A. Yes. 21 Q. He or she? 22 A. He. 23 Q. All right. So let me show you some 24 exhibits. I'm going to give you one. Your 25 counsel one.</p>
<p style="text-align: right;">Page 15</p> <p>1 Safety. 2 Q. When you completed your field training, 3 what was your first assignment? 4 A. I was stationed at Convention Center 5 Area Command. 6 Q. What did you do there? 7 A. Police -- police work. 8 Q. Okay. Well, can you be more specific? 9 A. Respond to calls for service on the 10 boulevard, at the casinos, disturbance calls. 11 Q. And how long did you remain in that 12 position? 13 A. I'm still there currently. 14 Q. So that is your ongoing responsibility 15 at this point? 16 A. Yes. 17 Q. Okay. That has not varied since you 18 started? 19 A. I was on a different squad, and I had a 20 different motive, I guess. It was more of a 21 proactive squad. We would be on the boulevard 22 more and crush crime on the boulevard. 23 Q. Did you have a supervisor at that time? 24 A. Yes. 25 Q. And what was his or her name?</p>	<p style="text-align: right;">Page 17</p> <p>1 MR. SAYRE: Sorry. I don't have any 2 more. But for the record, it is the arrest report 3 of the incident involving Officer Lopera and 4 Tashi Farmer-Brown. I'm just using both names 5 because at various times he's used one name or the 6 other, and I just thought it would be easier to 7 put it together. 8 Q. All right. Now, have you seen this 9 arrest report before? 10 A. Yes, I have. 11 Q. Have you read it thoroughly? 12 A. Not thoroughly, no. 13 Q. Okay. How many times have you read it? 14 A. Just once. 15 Q. When was that? 16 A. Whenever the -- whenever the incident 17 happened. It was on Fox 5 news, and they had a 18 copy of it, and I just skimmed through it. 19 Q. So it was close in time to the incident 20 itself? 21 A. Correct. 22 Q. Have you -- you haven't -- have you read 23 it recently in preparation for your deposition? 24 A. No, I didn't have a copy of it. 25 Q. Okay. Have you read any documents in</p>

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<p style="text-align: right;">Page 18</p> <p>1 preparation for your deposition?</p> <p>2 A. No.</p> <p>3 Q. Okay. You seemed to hesitate about</p> <p>4 that.</p> <p>5 A. Well, I don't know what -- I have my</p> <p>6 CIRT review document, but that's from the</p> <p>7 department.</p> <p>8 Q. CIRT review?</p> <p>9 A. CIRT review, correct.</p> <p>10 Q. Could you tell me what that -- the full</p> <p>11 name for that is?</p> <p>12 A. Critical Incident Review Team.</p> <p>13 Q. And is that a document that talks about</p> <p>14 the incident or talks about you or both?</p> <p>15 A. It's -- it's a document that has my</p> <p>16 recorded statements to them when I had my</p> <p>17 interview.</p> <p>18 Q. Is that the only thing that you reviewed</p> <p>19 in the CIRT review, was your own statement?</p> <p>20 A. Yes.</p> <p>21 MR. SAYRE: Okay. Has that been</p> <p>22 produced to us?</p> <p>23 MR. ANDERSON: No, it hasn't. It's a</p> <p>24 part of the CIRT file, so it's a copy of his</p> <p>25 statement that he gave to the Critical Incident</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. All right. It says this incident</p> <p>2 occurred on May 14th, 2017, at 1:16 hours, which</p> <p>3 would be 1:16 a.m.; correct?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And does that square with</p> <p>6 your recollection of when this occurred?</p> <p>7 A. Yes.</p> <p>8 Q. And what was your post at the time?</p> <p>9 A. I was -- me and my -- partner and I were</p> <p>10 supposed to be at The LINQ Hotel.</p> <p>11 Q. Okay. And who was your partner that</p> <p>12 night?</p> <p>13 A. Officer Flores.</p> <p>14 Q. First name?</p> <p>15 A. Michael.</p> <p>16 Q. Was he a regular partner of yours at</p> <p>17 that time?</p> <p>18 A. Yes.</p> <p>19 Q. Were you -- were you with the squad that</p> <p>20 was proactive or the one that --</p> <p>21 A. The proactive squad.</p> <p>22 Q. The proactive squad. Okay.</p> <p>23 What time did you go to work, I guess,</p> <p>24 that morning or the morning before?</p> <p>25 A. Our start time was --</p>
<p style="text-align: right;">Page 19</p> <p>1 Review Team.</p> <p>2 MR. SAYRE: Okay. Is that -- are you</p> <p>3 taking privilege on that?</p> <p>4 MR. ANDERSON: Yeah.</p> <p>5 MR. SAYRE: Okay.</p> <p>6 MR. ANDERSON: Until after it becomes</p> <p>7 public in the criminal matter.</p> <p>8 MR. SAYRE: Okay. All right. So we'll</p> <p>9 get it at that time?</p> <p>10 MR. ANDERSON: Yeah.</p> <p>11 MR. SAYRE: I would just state that it</p> <p>12 is my intention to complete Officer Tran's</p> <p>13 deposition today; however, if I see something when</p> <p>14 it becomes available, I reserve it the right to</p> <p>15 redepose him as to that additional material.</p> <p>16 MR. ANDERSON: Understood.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. All right. So just take a look at</p> <p>19 this -- let me draw your attention to -- there's</p> <p>20 five zeros and a 5 at the bottom of the page.</p> <p>21 It's a Bates stamp.</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. It says "Arrest Report" on top?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Sorry. The night before. Excuse me.</p> <p>2 A. Our start time was 20:00, so 8:00 p.m.</p> <p>3 Q. And how long a shift were you supposed</p> <p>4 to work?</p> <p>5 A. 10 hours. So we were -- would be off</p> <p>6 6:00 a.m.</p> <p>7 Q. Okay. And at 8:00 p.m., did you -- at</p> <p>8 the start of your shift, was there a roll call?</p> <p>9 A. Yeah, I suppose. It's not like they</p> <p>10 call everybody's name, but the sergeant goes</p> <p>11 through and assigns partners and call signs.</p> <p>12 Q. Okay. All right. So it's a brief roll</p> <p>13 call, but it's basically -- it's conducted, I</p> <p>14 assume --</p> <p>15 A. Yes, we have a briefing.</p> <p>16 Q. Okay. It's conducted at the station?</p> <p>17 A. During shift. It's conducted per squad,</p> <p>18 per shift.</p> <p>19 Q. Okay. Where was this roll call, I'll</p> <p>20 call it, conducted?</p> <p>21 A. At Convention Center Area Command.</p> <p>22 Q. Okay. So at the location?</p> <p>23 A. Correct.</p> <p>24 Q. Is there a police office there? You</p> <p>25 said "Convention Center Area Command."</p>

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<p style="text-align: right;">Page 22</p> <p>1 A. Correct. That's our police station. 2 Q. Okay. So there is a station, then? 3 A. Yes. 4 Q. Okay. And that's where it was 5 conducted? 6 A. Yes. 7 Q. And then from there, you and Officer 8 Flores assumed your position at The LINQ Hotel? 9 A. Our post didn't start until midnight. 10 So after briefing, we go get food and do a couple 11 proactive stops. 12 Q. Okay. So at midnight, you took your 13 post at The LINQ Hotel? 14 A. Correct. 15 Q. Okay. Now, when were you first made 16 aware of this incident, approximately? 17 A. I remember after the briefing -- we have 18 a midnight briefing for Safe Strip. After the 19 briefing, we were en route to The LINQ. Right 20 after we parked the car at The LINQ garage, I 21 heard somebody on the radio ask for a code red 22 Venetian 1. 23 Q. Okay. Let me just make sure I 24 understand. 25 Midnight briefing for Safe Strip, what</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Did he give you any particular 2 instructions -- that is, you and your partner -- 3 or was it a general -- 4 A. It's a general, general briefing. 5 Q. All right. So you drove to The LINQ, 6 and -- yeah, there's a briefcase under there. 7 Don't worry about it. It's okay. 8 You drove to The LINQ, and you parked 9 your vehicle in The LINQ parking lot? 10 A. In the LINQ parking garage. 11 Q. Parking garage. And then you heard a 12 call? 13 A. Correct. 14 Q. Over the police radio? 15 A. Correct. 16 Q. About what time was this? 17 A. I don't -- I don't recall. It had to 18 have been around midnight-thirty, 1:00. Because, 19 like I said, we had briefing at midnight, and then 20 for the time to drive to The LINQ and park. 21 Q. How long, estimate? 22 A. It was probably around 1:00 a.m. 23 Q. Okay. And you said you heard a code 24 red. What did that mean? 25 A. A code red is what we say on the air if</p>
<p style="text-align: right;">Page 23</p> <p>1 does that mean? 2 A. It's a -- the casinos pay for an 3 overtime officers to be on post at every casino on 4 the Strip, and they just named it Safe Strip. We 5 were supplementing the other half. So half of it 6 was overtime officers, and our squad was the other 7 half. So we would supplement Safe Strip. 8 So we would be at a post on -- at The 9 LINQ that we were assigned. At midnight, we had a 10 short briefing just to go over where everyone was 11 supposed to be, what to do, things like that. So 12 that was -- that's our Safe Strip. 13 Q. Who conducted that briefing? Do you 14 recall? 15 A. I can't recall. 16 Q. Okay. Is it usually a sergeant? 17 A. Usually a lieutenant. 18 Q. Okay. Do you remember the name of the 19 lieutenant that would have been your lieutenant 20 that night? 21 A. I don't recall who it was that night, 22 but if it would have been a lieutenant, it would 23 have been Summers. 24 Q. Summers, S-U-M-M-E-R-S? 25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 we have an emergency. 2 Q. Did you receive any other information 3 from that call other than there was a code red? 4 A. I did not. 5 Q. What did you do to determine where the 6 code red was supposed to be taking -- taking 7 place? 8 A. I recall hearing the call sign "Venetian 9 1." For Safe Strip, the property we're assigned 10 to, we take the name of the property. I was "LINQ 11 1," and I heard "Venetian 1, give me a red." So I 12 just knew that it was at the Venetian, but I 13 didn't know a specific location. 14 Q. Sure. And how far was the Venetian from 15 where you were located when you heard the call? 16 A. It was just one property north of us. 17 Q. Okay. So close by? 18 A. Very close. 19 Q. Did you know who Venetian 1 was? 20 A. I did not. 21 Q. Okay. How long did it take you to 22 respond to that location? 23 A. My estimate would be a minute. 24 Q. And was Officer Flores with you? 25 A. Yes.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Did you locate Venetian 1 when you 2 responded?</p> <p>3 A. Yes.</p> <p>4 Q. And did you recognize who Venetian 1 5 was?</p> <p>6 A. I did not, not at the time.</p> <p>7 Q. All right. What did you see when you 8 came upon the scene?</p> <p>9 A. As I pulled my vehicle towards the rear 10 of the Venetian, I observed another patrol 11 vehicle, a Crown Vic, to my left. I parked on the 12 right side of it. As I exited the vehicle, I'm 13 running towards -- running forward, towards the 14 front of the Crown Vic. I observe two officers on 15 the ground with a suspect or unknown person. And 16 they're up against a concrete barrier.</p> <p>17 Q. Did you recognize the two officers?</p> <p>18 A. I recognized one officer that was on the 19 unknown subject's feet, feet area, but I did 20 not -- I could not see the other officer.</p> <p>21 Q. The officer that you recognized, what -- 22 what is his or her identity?</p> <p>23 A. It was Sergeant Crumrine.</p> <p>24 Q. Did you know Sergeant Crumrine from 25 previous situations?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. What was the other officer doing 2 when you first saw -- saw that officer?</p> <p>3 A. I know -- all I observed was the officer 4 laying on the floor or on the ground with the 5 unknown male or subject.</p> <p>6 Q. When you say "laying on the ground," was 7 the officer to the side of the subject or on top 8 of the subject, or just how was his attitude?</p> <p>9 A. I would guess, from my recollection, the 10 subject was on his side, and the officer was 11 directly behind the subject, on the -- their left 12 side.</p> <p>13 Q. All right. Your answer was just fine, 14 except you used the word "guess." And I assume 15 this was your best observation at the time?</p> <p>16 A. From what -- from what I recall, based 17 on that --</p> <p>18 Q. The word "guess" is a dirty word, so 19 that was all.</p> <p>20 I assume that was your best observation 21 at the time?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And did the officer have 24 ahold of the subject person, the one who was 25 also -- I guess it was to the rear or behind the</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. And how was that?</p> <p>3 A. He's -- I guess he's, like, our sister 4 squad. They work our days off. And we overlap on 5 Saturdays with them, so I knew who he was.</p> <p>6 Q. So you had worked with him at least on a 7 Saturday at some point?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And what was Officer Crumrine 10 doing? What did you observe?</p> <p>11 A. I didn't -- I didn't observe -- I wasn't 12 focused on what he was doing. I know he was at 13 his feet, at the unknown subject's feet.</p> <p>14 Q. So I take it this occurred inside the 15 parking garage of the Venetian?</p> <p>16 A. Not quite the parking garage. It wasn't 17 the parking garage. It was -- I guess it's the 18 back of the house of the Venetian, where the 19 recycling and all the semi-trucks go through.</p> <p>20 Q. All right. And you saw another 21 officer --</p> <p>22 A. Correct.</p> <p>23 Q. -- correct?</p> <p>24 What was he -- was it a he?</p> <p>25 A. At the time I did not know who it was.</p>	<p style="text-align: right;">Page 29</p> <p>1 subject?</p> <p>2 A. Yes.</p> <p>3 Q. Did he have ahold of him at the time 4 when you first saw him?</p> <p>5 A. Yes, he was holding him.</p> <p>6 Q. Where was he holding him?</p> <p>7 A. I don't recall.</p> <p>8 Q. Okay. What did you do after you first 9 saw this scene?</p> <p>10 A. My first reaction was to attempt to take 11 the subject into custody. My partner and I began 12 to grab ahold of arms, his hands, to try to 13 handcuff the subject. That was my main focus, was 14 just trying to take him into custody.</p> <p>15 Q. All right. Now, the subject was on his 16 side.</p> <p>17 Where were his arms?</p> <p>18 A. I recall the -- his left arm was wedged 19 between the officer and the subject's own back. 20 His right arm was, I guess, free, was not being 21 held.</p> <p>22 Q. Could you tell whether the officer had 23 ahold of his left arm where it was located behind 24 the subject's back? Do you understand what I'm 25 saying?</p>

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<p style="text-align: right;">Page 30</p> <p>1 A. Can you clarify?</p> <p>2 Q. Sure.</p> <p>3 One of the things that an officer will</p> <p>4 do in trying to handcuff a person is to pull their</p> <p>5 arm behind their back; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Did it appear to you that the officer</p> <p>8 had pulled his arm behind his back, the subject's</p> <p>9 back?</p> <p>10 A. Did it appear to me that it was? Yes.</p> <p>11 Q. Okay. And the right hand was free?</p> <p>12 A. Yes.</p> <p>13 Q. Did it appear to you that the officer</p> <p>14 had ahold of the left arm of the subject?</p> <p>15 A. No.</p> <p>16 Q. Okay. So the left arm was behind his</p> <p>17 back, but not being held by the officer?</p> <p>18 A. No.</p> <p>19 Q. Okay. When you determined -- at some</p> <p>20 point did you determine that the officer had his</p> <p>21 hands on some part of the subject's body?</p> <p>22 A. At what point?</p> <p>23 Q. At some point.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And when was that?</p>	<p style="text-align: right;">Page 32</p> <p>1 subject's arms together?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And were they handcuffed</p> <p>4 behind his back?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And did you do the</p> <p>7 handcuffing?</p> <p>8 A. Yes.</p> <p>9 Q. All right. With your handcuffs, I</p> <p>10 assume?</p> <p>11 A. It was Officer Flores's handcuffs.</p> <p>12 Q. Officer Flores. Okay.</p> <p>13 He handed them to you and you -- you</p> <p>14 handcuffed him?</p> <p>15 A. It was more of a joint, mutual.</p> <p>16 Q. Okay. And that's when you say you had</p> <p>17 taken him into custody?</p> <p>18 A. Yes.</p> <p>19 Q. All right. And what does that mean to</p> <p>20 you?</p> <p>21 A. That the subject's handcuffed, and we do</p> <p>22 a cursory pat down, make sure he has no weapons</p> <p>23 and the scene is safe.</p> <p>24 Q. Right. Does it mean that subject is</p> <p>25 under control?</p>
<p style="text-align: right;">Page 31</p> <p>1 A. From my recollection, after we took the</p> <p>2 subject into custody and when I looked down at the</p> <p>3 subject is when I observed an elbow around the</p> <p>4 subject's neck.</p> <p>5 Q. Okay. Now, when you say when you took</p> <p>6 the subject into custody, does that mean you</p> <p>7 handcuffed the subject?</p> <p>8 A. Yes.</p> <p>9 Q. All right. So did you grab hold of the</p> <p>10 subject's left arm?</p> <p>11 A. We -- my partner and I, yes, we did. We</p> <p>12 were trying to put a -- handcuff his hands</p> <p>13 together.</p> <p>14 Q. Okay. How did that work? Did you grab</p> <p>15 one arm and your partner grabbed the other, or</p> <p>16 how -- how did it go?</p> <p>17 A. I can't recall.</p> <p>18 Q. Okay. Did -- did each of you share in</p> <p>19 the handcuffing of this subject?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So is it fair to say one of</p> <p>22 you probably grabbed one arm and the other</p> <p>23 probably grabbed the other?</p> <p>24 A. I can't recall.</p> <p>25 Q. Okay. Do you remember handcuffing the</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. All right. Had -- when you saw the</p> <p>3 elbow, where was it located relative to the</p> <p>4 subject? I assume -- pardon me for -- I shouldn't</p> <p>5 do this.</p> <p>6 The elbow was the officer's elbow? Is</p> <p>7 that what you determined?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Where was the elbow located when</p> <p>10 you first saw it or first notified it?</p> <p>11 A. Directly until front of the subject's</p> <p>12 throat.</p> <p>13 Q. All right. Now, had you done a pat down</p> <p>14 of the subject yet when you saw the elbow located</p> <p>15 in front of the throat of the --</p> <p>16 A. I had not.</p> <p>17 Q. Okay. What you had done is you had</p> <p>18 controlled him by placing handcuffs on him;</p> <p>19 correct?</p> <p>20 A. Right.</p> <p>21 Q. And was the subject struggling?</p> <p>22 A. I do not recall the subject struggling.</p> <p>23 Q. Okay. Meaning, he wasn't struggling?</p> <p>24 A. He was not.</p> <p>25 Q. Did the subject struggle when you put</p>

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<p style="text-align: right;">Page 34</p> <p>1 handcuffs on him?</p> <p>2 A. No, he did not.</p> <p>3 Q. Okay. Take a look, please, at the --</p> <p>4 I'm going to ask you to take a look at page five</p> <p>5 zeros and a 7. Just -- it's one over. It has a</p> <p>6 series of times.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And then there's statements that</p> <p>10 have been attributed to that particular period of</p> <p>11 time.</p> <p>12 You follow that?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Now, by the way, these --</p> <p>15 this report appears to have been prepared by</p> <p>16 either Officer Alsup or Officer Kolon or both.</p> <p>17 Do you see that in the front?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know either one of those</p> <p>20 officers?</p> <p>21 A. I do not.</p> <p>22 Q. All right. Now, have you seen a video,</p> <p>23 on YouTube or otherwise, of the events in question</p> <p>24 that evening, one that purports to be a video of</p> <p>25 Officer Lopera's body camera?</p>	<p style="text-align: right;">Page 36</p> <p>1 fucking hands behind your back"?</p> <p>2 You see that reference?</p> <p>3 A. Yes.</p> <p>4 Q. Did you hear Officer Crumrine say that?</p> <p>5 A. I did not.</p> <p>6 Q. Okay. At 3:13, "Officer Lopera asks,</p> <p>7 'Is he out yet?'"</p> <p>8 Did you hear that?</p> <p>9 A. No.</p> <p>10 Q. At 3:15, "Farmer gasps."</p> <p>11 Did you hear the subject gasp?</p> <p>12 A. No.</p> <p>13 Q. At 3:18, "Officer Lopera asked, 'Is he</p> <p>14 out yet?'"</p> <p>15 Did you hear that?</p> <p>16 A. No.</p> <p>17 Q. At 3:19, "Officer Lopera asks, 'Is he</p> <p>18 out yet?'"</p> <p>19 Did you hear that?</p> <p>20 A. No.</p> <p>21 Q. Besides Officer Crumrine, who else, if</p> <p>22 anybody, was close to the subject and Officer</p> <p>23 Lopera? I assume eventually you identified the</p> <p>24 person that belonged to the elbow as Officer</p> <p>25 Lopera?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Have you seen a video of the</p> <p>3 events that evening that purports to be footage</p> <p>4 from the security cameras at the Venetian?</p> <p>5 A. Yes.</p> <p>6 Q. Have you seen the two sync'd together?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, take a look at page 000009.</p> <p>9 And there's a reference to 2:58. That's two</p> <p>10 minutes and 58 seconds from the time that the body</p> <p>11 camera was turned on.</p> <p>12 You have the reference, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And it says that Officer Lopera</p> <p>15 appeared to put Farmer in some type of neck</p> <p>16 restraint. Okay.</p> <p>17 Now, when you saw the elbow located to</p> <p>18 the front of the subject, did you recognize that</p> <p>19 restraint as a lateral vascular neck restraint?</p> <p>20 A. Yes.</p> <p>21 Q. You had been trained in the use of a</p> <p>22 lateral vascular neck restraint?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Now, do you see the reference at</p> <p>25 3:01, to Sergeant Crumrine stating, "Put your</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Eventually, yes.</p> <p>2 Q. Who else besides Officer Crumrine was</p> <p>3 close to Officer Lopera and the subject?</p> <p>4 A. Nobody.</p> <p>5 Q. It says, at 3:25, "Officer Tran arrived</p> <p>6 and said, 'Let him go, Ken.'"</p> <p>7 Do you remember saying that?</p> <p>8 A. No, I did not say that.</p> <p>9 Q. You did not say that?</p> <p>10 A. I did not say that.</p> <p>11 Q. Okay. And then at 3:26, the person</p> <p>12 who's listening to the tape says, "Officer Lopera</p> <p>13 asked, 'Are you sure?'"</p> <p>14 "And Officer Tran replies, 'Yeah.'"</p> <p>15 Did you say that?</p> <p>16 A. I did not.</p> <p>17 Q. Okay. Did you say -- do you remember</p> <p>18 Officer Lopera saying, "Are you sure?"</p> <p>19 A. I do not.</p> <p>20 Q. Okay. When you saw the person, the</p> <p>21 subject, and the elbow was in front of him, was he</p> <p>22 conscious?</p> <p>23 A. He was not.</p> <p>24 Q. Okay. Did you say anything to</p> <p>25 Officer Lopera at any time while he continued to</p>

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<p style="text-align: right;">Page 38</p> <p>1 maintain the lateral vascular neck restraint?</p> <p>2 A. After we took him into custody, I peered</p> <p>3 down at the subject, and observed that he was out</p> <p>4 and there was an elbow. And I stated to</p> <p>5 Officer Lopera, "Loosen up. Loosen up. He is</p> <p>6 out." And Officer Lopera released the hold on the</p> <p>7 subject.</p> <p>8 Q. Are you saying that at the moment that</p> <p>9 you said -- well, I'm saying "moment," but upon</p> <p>10 your saying "Loosen up. Loosen up. He is out,"</p> <p>11 Officer Lopera released the subject?</p> <p>12 A. Yes.</p> <p>13 Q. How long after you said that did he</p> <p>14 release the subject?</p> <p>15 A. Immediately.</p> <p>16 Q. Okay. Now, how long did the -- from the</p> <p>17 time that you saw the subject for the first</p> <p>18 time -- strike that.</p> <p>19 From the time that you saw the elbow in</p> <p>20 front of the subject for the first time,</p> <p>21 approximately what period of time passed before</p> <p>22 you said, "Loosen up. Loosen up. He is out"?</p> <p>23 A. It was immediate.</p> <p>24 Q. Immediate.</p> <p>25 Now, when you've listened to the tape,</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So it says here that Lopera</p> <p>3 released the hold on Farmer at 4 minutes and 11</p> <p>4 seconds.</p> <p>5 You see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. How long did you observe the hold</p> <p>8 being applied to Mr. Farmer until it was loosened</p> <p>9 up?</p> <p>10 A. From the time I observed the elbow, I</p> <p>11 immediately stated to Lopera to loosen up, and</p> <p>12 Lopera immediately released the hold.</p> <p>13 Q. Okay. What period of time transpired</p> <p>14 from the time where you saw the elbow until Lopera</p> <p>15 released the person?</p> <p>16 A. Three to five seconds. Three seconds.</p> <p>17 Q. When you heard the tape, did -- at any</p> <p>18 time did you hear Officer Lopera say, "Is he out</p> <p>19 yet," as this person who has transcribed this says</p> <p>20 he asks three times? Did you ever hear him say,</p> <p>21 "Is he out yet"?</p> <p>22 A. No.</p> <p>23 Q. The time -- the way this tape reads,</p> <p>24 that the hold was placed at 2 minutes and 58</p> <p>25 seconds until 4 minutes and 11 seconds. That's a</p>
<p style="text-align: right;">Page 39</p> <p>1 have you heard yourself saying, "Let him go, Ken"?</p> <p>2 A. No, I did not say that.</p> <p>3 Q. Okay. So that's -- this person is</p> <p>4 incorrect when he says that you said, at three</p> <p>5 minutes and 25 seconds into the tape, "Let him go,</p> <p>6 Ken"?</p> <p>7 A. Yes. That's incorrect.</p> <p>8 Q. Okay. And then when he reportedly says,</p> <p>9 "Officer Lopera asks, 'Are you sure,'" and you</p> <p>10 replied, "Yeah," you're saying that would be -- he</p> <p>11 would be incorrect in that?</p> <p>12 A. That's incorrect.</p> <p>13 Q. Okay. So when you saw him in the --</p> <p>14 when you saw that there was an elbow around him,</p> <p>15 around his -- what, it was in front of the throat?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Are you saying that you</p> <p>18 immediately told him, Officer Lopera, "To loosen</p> <p>19 up. Loosen up"?</p> <p>20 A. Yes, as soon as I observed the elbow and</p> <p>21 the subject was not responsive, he looked</p> <p>22 unconscious, I stated to Lopera to let him go --</p> <p>23 to loosen up.</p> <p>24 Q. Okay. And Lopera immediately loosened</p> <p>25 up?</p>	<p style="text-align: right;">Page 41</p> <p>1 period of 113 seconds, or, sorry, one minute, 13</p> <p>2 seconds.</p> <p>3 You're saying that you saw him in the</p> <p>4 hold for three to five seconds?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And when you saw him, he was</p> <p>7 unconscious?</p> <p>8 A. Yes.</p> <p>9 Q. How long did it take you to handcuff</p> <p>10 him?</p> <p>11 A. 20, 30 seconds.</p> <p>12 Q. And there was absolutely no resistance</p> <p>13 from him?</p> <p>14 A. I did not observe any resistance.</p> <p>15 Q. Did you observe, during that 20 to 30</p> <p>16 seconds, that he was unconscious?</p> <p>17 A. I did not.</p> <p>18 Q. Did you observe that he was conscious</p> <p>19 during that 20 to 30 seconds?</p> <p>20 A. I did not.</p> <p>21 Q. Did you check to see whether he was</p> <p>22 conscious or not during that 20 to 30 seconds?</p> <p>23 A. No.</p> <p>24 Q. Have you and Officer Flores spoken about</p> <p>25 this since it occurred other than in the presence</p>

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<p style="text-align: right;">Page 42</p> <p>1 of your attorney? Do you understand what I'm</p> <p>2 saying? In other words, if you had a conversation</p> <p>3 in front of your attorney X, I'm not permitted to</p> <p>4 know. But have you and Officer Flores, your</p> <p>5 partner, had a conversation about this at any time</p> <p>6 since this occurred?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And what did you talk about?</p> <p>9 A. We talked about the incident.</p> <p>10 Q. Well, I understand that, but what did</p> <p>11 you say?</p> <p>12 A. I don't recall.</p> <p>13 Q. You recall nothing about what you said?</p> <p>14 A. We spoke about each other's perspective</p> <p>15 on the incident and what we both observed.</p> <p>16 Q. And what did you tell him?</p> <p>17 A. I don't recall.</p> <p>18 Q. No recollection at all? Nothing at all?</p> <p>19 A. I -- pretty much everything I've told</p> <p>20 you.</p> <p>21 Q. And what did he tell you?</p> <p>22 A. The same thing.</p> <p>23 Q. What do you mean, "the same thing"?</p> <p>24 A. I don't know -- I can't remember. I</p> <p>25 don't -- we're not partners anymore. We haven't</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes.</p> <p>2 Q. And did he say whether he had seen the</p> <p>3 hold being applied to -- on Mr. Farmer before you</p> <p>4 saw the hold being applied?</p> <p>5 A. No.</p> <p>6 Q. Did he say the first time he saw the</p> <p>7 hold being applied was when you said loosen it up?</p> <p>8 A. Yes.</p> <p>9 Q. Did you know Officer Lopera?</p> <p>10 A. Yes.</p> <p>11 Q. How did you know him?</p> <p>12 A. Through -- he -- like I said, he's on</p> <p>13 the sister squad, so we overlap and work one day</p> <p>14 together.</p> <p>15 Q. All right. So you had spent time with</p> <p>16 him together on the job at least on Saturdays?</p> <p>17 A. Yes.</p> <p>18 Q. Did you know him well enough to call him</p> <p>19 Ken?</p> <p>20 A. I called him Lopera.</p> <p>21 Q. You never called him Ken?</p> <p>22 A. No. I didn't know his first name at the</p> <p>23 time.</p> <p>24 Q. How many times do you think you and he</p> <p>25 worked together on a Saturday?</p>
<p style="text-align: right;">Page 43</p> <p>1 been partners for over six months.</p> <p>2 Q. Well, did Officer Flores tell you that</p> <p>3 he saw that Mr. Farmer-Brown was unconscious while</p> <p>4 you were handcuffing him?</p> <p>5 A. He didn't say that, no.</p> <p>6 Q. Did he say that he was showing any</p> <p>7 resistance during the time that you and -- were --</p> <p>8 you and Officer Flores were handcuffing him?</p> <p>9 A. I didn't ask him that, no. He never</p> <p>10 stated that to me.</p> <p>11 Q. Did he tell you whether or not he saw</p> <p>12 the lateral vascular neck restraint being applied</p> <p>13 by Officer -- by Officer Lopera before you did?</p> <p>14 A. No.</p> <p>15 Q. What did he say about that?</p> <p>16 A. Can you clarify the question?</p> <p>17 Q. Yeah, sure.</p> <p>18 You said that you saw the elbow.</p> <p>19 A. Correct.</p> <p>20 Q. You noticed that Mr. Farmer-Brown was</p> <p>21 unconscious. And you told Officer Lopera to</p> <p>22 loosen, loosen the hold.</p> <p>23 A. Yes.</p> <p>24 Q. Right. Did Officer Flores tell you that</p> <p>25 he heard you say that?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I couldn't give you an exact -- I never</p> <p>2 worked with him personally. He works the same</p> <p>3 shift timeframe-wise, and then on that Saturday.</p> <p>4 But he's not on my squad, so I never worked with</p> <p>5 him work with him.</p> <p>6 Q. All right. And you mentioned that your</p> <p>7 times overlapped on Saturdays?</p> <p>8 A. Yes.</p> <p>9 Q. All right. How many times did your</p> <p>10 times overlap on a Saturday together before this</p> <p>11 occurred?</p> <p>12 A. Probably for four months-ish.</p> <p>13 Q. Every Saturday?</p> <p>14 A. Yes.</p> <p>15 Q. Had you ever gone for drinks with him</p> <p>16 after work?</p> <p>17 A. No.</p> <p>18 Q. Ever done any socializing with him?</p> <p>19 A. No.</p> <p>20 Q. Have you and Officer Flores ever</p> <p>21 socialized together?</p> <p>22 A. No.</p> <p>23 Q. Ever gone for drinks?</p> <p>24 (Interruption by telephone.)</p> <p>25 (Discussion off the record.)</p>

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1 MR. SAYRE: Do you want to take a break?

2 MR. McNUTT: No.

3 BY MR. SAYRE:

4 Q. All right. Do you know how to apply a

5 lateral vascular neck restraint?

6 A. Yes.

7 Q. How do you do it?

8 A. You approach from the rear. You shoot

9 your -- it doesn't matter. We learned it both

10 ways. But you shoot one arm forward, past the

11 subject's head, and then pull the arm back,

12 your -- clasp the arm. You attempt to place

13 the -- your elbow directly in front of the

14 subject, and then you clasp your rear hand back

15 together.

16 And depending on the level of

17 resistance, you start at zero degrees and move up

18 from there, depending on the subject's actions.

19 Q. When you say "you start at zero degrees

20 and move up," you're talking about applying more

21 pressure?

22 A. Correct.

23 Q. Okay. And where was the hold at the

24 time that you saw it?

25 A. The -- on -- that Officer Lopera was

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1 applying?

2 Q. Yeah.

3 A. It was -- his elbow was directly in

4 front of the subject's throat, neck.

5 Q. But you said that you could move the

6 hand up depending --

7 A. Correct.

8 Q. All right. And that's what I'm asking

9 about.

10 A. I don't -- I did not see the rear elbow.

11 Q. You didn't look at the rear elbow?

12 A. I did not.

13 Q. I see.

14 All right. So do you know what a naked

15 rear choke is?

16 A. Yes.

17 Q. How do you know?

18 A. From watching UFC fights, MMA fights.

19 Q. Did they train you in -- at the academy

20 or afterwards in what a naked rear choke is?

21 A. No.

22 Q. You were not trained in how to get out

23 of a naked rear choke?

24 A. We were never taught the rear naked

25 choke.

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1 Q. Okay. And how does the rear naked choke

2 differ, if you know, from a lateral vascular neck

3 restraint?

4 A. From what I know, the rear hand is

5 placed directly behind the subject's head and

6 clasped together and pushing forward on the

7 subject's head.

8 Q. Do you know, from your observation,

9 whether this hold was a lateral vascular neck

10 restraint or a rear naked choke?

11 A. No.

12 Q. You don't know either way?

13 A. It appeared to be LVNR.

14 Q. Why do you say that?

15 A. Because I observed the elbow in front of

16 the subject's neck.

17 Q. Well, would it be different with a rear

18 naked choke? Would the elbow placement be

19 different?

20 A. It would not.

21 Q. So why do you think that it looked like

22 it was a lateral vascular neck restraint?

23 A. Because that's what we're taught in the

24 academy. I assume that Lopera would use an LVNR.

25 Q. Okay. So you don't know because you

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1 didn't look at the back end, is that what you're

2 telling me?

3 A. Correct.

4 Q. So it could have been a rear naked

5 choke?

6 A. It could have. Could have.

7 Q. Okay. Did you see -- in the tase -- in

8 the video that you observed, did you see that

9 Officer Lopera tased Mr. Farmer-Brown multiple

10 times?

11 A. Yes.

12 Q. Do you know how many times?

13 A. I don't recall.

14 Q. Was it more than three?

15 A. Yes.

16 Q. And that's out of policy; correct?

17 A. Yes.

18 Q. The Metropolitan Police Department only

19 allows you to tase three times, and then

20 discontinue the use of the taser?

21 A. Yes. Correct.

22 Q. So Officer Lopera was out of policy when

23 he tased -- if he tased him as many as seven

24 times?

25 A. Yes.

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<p style="text-align: right;">Page 50</p> <p>1 Q. Now, you're only allowed to use the</p> <p>2 five-second cycle when you tase; correct?</p> <p>3 A. Yes.</p> <p>4 Q. All right. That's how you've been</p> <p>5 trained?</p> <p>6 A. Yes.</p> <p>7 Q. And if Officer Lopera used a nine-second</p> <p>8 cycle on his last tasing, that would be outside of</p> <p>9 policy?</p> <p>10 A. Yes.</p> <p>11 Q. And "outside of policy" means</p> <p>12 unreasonable; correct?</p> <p>13 MR. ANDERSON: Objection. Form.</p> <p>14 Go ahead and answer.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. SAYRE:</p> <p>17 Q. Now, did you see -- in looking at the</p> <p>18 video, either video, did you see Officer Lopera</p> <p>19 striking Mr. Brown in the head?</p> <p>20 A. Yes.</p> <p>21 Q. How many times?</p> <p>22 A. I don't recall.</p> <p>23 Q. Do you remember it was, like, 10 to 12</p> <p>24 times?</p> <p>25 A. I wasn't counting.</p>	<p style="text-align: right;">Page 52</p> <p>1 deadly force.</p> <p>2 Q. Okay.</p> <p>3 A. If the subject's -- displays an attempt</p> <p>4 to do harm on an officer or another, we may use</p> <p>5 empty hand strikes or strikes to the subject.</p> <p>6 Q. When you were present there and</p> <p>7 handcuffing Mr. Farmer-Brown, did you at any time</p> <p>8 see Officer Lopera strike him in the head?</p> <p>9 A. No.</p> <p>10 Q. Did you at any time see him tase him?</p> <p>11 A. No.</p> <p>12 Q. Do you understand as an officer of the</p> <p>13 Metropolitan Police Department, that once a person</p> <p>14 is rendered unconscious by any kind of a choke</p> <p>15 hold, whether it be lateral vascular neck</p> <p>16 restraint or any other, that you're required to</p> <p>17 discontinue the hold?</p> <p>18 A. Yes.</p> <p>19 Q. And to not fail to discontinue the hold</p> <p>20 is excessive force?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. SAYRE:</p> <p>25 Q. And an officer like yourself, who sees a</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Okay. From your training, was he</p> <p>2 justified in striking him in the head?</p> <p>3 A. I wasn't there at the time of -- based</p> <p>4 on the facts and circumstances that Lopera had, I</p> <p>5 wasn't there to determine that.</p> <p>6 Q. Well, but you saw the video.</p> <p>7 A. So are you asking me to answer based on</p> <p>8 what I saw in the video?</p> <p>9 Q. I am.</p> <p>10 A. I don't know what Lopera was feeling at</p> <p>11 the time, but based on the video, no.</p> <p>12 Q. All right. Now, striking someone in the</p> <p>13 head is potentially deadly force; correct?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 Answer.</p> <p>16 THE WITNESS: I suppose.</p> <p>17 BY MR. SAYRE:</p> <p>18 Q. And you're not allowed to strike people</p> <p>19 in the head with your fist unless you're faced</p> <p>20 with deadly force; right?</p> <p>21 MR. ANDERSON: Objection. Form.</p> <p>22 Go ahead.</p> <p>23 BY MR. SAYRE:</p> <p>24 Q. That's how you've been trained?</p> <p>25 A. No, it doesn't -- does not have to be</p>	<p style="text-align: right;">Page 53</p> <p>1 person unconscious and still in a lateral vascular</p> <p>2 neck restraint or any other choke hold, is</p> <p>3 required by your training to intervene; correct?</p> <p>4 A. Yes.</p> <p>5 Q. And what are you supposed to do when</p> <p>6 that happens, if you see that happening?</p> <p>7 A. When it's safe to do so, intervene and</p> <p>8 stop the officer from doing --</p> <p>9 Q. Okay. Now, if this is correct, that at</p> <p>10 3 minutes and 25 seconds, you said, "Let him go,</p> <p>11 Ken," and Officer Lopera continued to hold onto</p> <p>12 him for 47 more seconds in that hold, with him</p> <p>13 unconscious, you would have failed in your duty as</p> <p>14 an officer to intervene; correct?</p> <p>15 MR. ANDERSON: Objection. Form.</p> <p>16 THE WITNESS: I didn't -- I did not say,</p> <p>17 "Let him go, Ken."</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. Okay. Well, if -- if you saw him</p> <p>20 unconscious at 3 minutes and 25 seconds, and</p> <p>21 Officer Lopera continued for another 47 seconds to</p> <p>22 continue that hold on him, would you have been</p> <p>23 required to intervene and stop Officer Lopera from</p> <p>24 applying that hold?</p> <p>25 MR. ANDERSON: Same objection.</p>

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<p style="text-align: right;">Page 54</p> <p>1 THE WITNESS: If I -- if I observed 2 Lopera holding the subject and he was already out, 3 I would intervene and tell him to let go of the 4 hold. 5 BY MR. SAYRE: 6 Q. Okay. Now, on the tape do you hear 7 yourself saying, "Loosen up, Ken" or "Loosen up. 8 He's out"? 9 A. Yes. 10 Q. Now, during the time that you were 11 handcuffing Mr. Farmer-Brown, was Sergeant 12 Crumrine still down by the feet? 13 A. Yes. 14 Q. Did he ever leave that position until 15 after Officer Lopera released the hold? 16 A. No. 17 Q. After Officer Lopera released the hold, 18 what did you do? 19 A. We -- 20 Q. Not we. You. What did you do? 21 A. I recall checking to see if the subject 22 was conscious or not. I did a sternal rub, to see 23 if he had any reaction to the sternal rub. Then I 24 checked for a pulse. 25 Q. Anything else?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And did he react? 2 A. He did not. 3 Q. And how long did the sternal rub last? 4 A. Two seconds. It's a quick -- it's a 5 quick check. 6 Q. Then you said you checked for a pulse? 7 A. Correct. 8 Q. How did you do that? 9 A. I put my fingers underneath his, I 10 guess, neck or on his neck, on his right side. 11 Q. And you didn't feel a pulse, I take it? 12 A. I did not. 13 Q. How long did you hold your fingers 14 there? 15 A. Five seconds. 16 Q. Okay. And then you -- you sat him up? 17 A. Correct. 18 Q. And then what did you do? 19 A. I made a -- with my hand I did some palm 20 strikes on the -- on his lower back. 21 Q. How many? 22 A. Three. 23 Q. And what was the purpose of that? 24 A. It's a -- we were taught in the academy, 25 if you render a subject unconscious, that you</p>
<p style="text-align: right;">Page 55</p> <p>1 A. I did not find a pulse, so I sat up 2 Mr. Farmer and began lower back taps to see if I 3 can get him to start breathing again. 4 I radioed for dispatch to roll medical. 5 Q. All right. Let's take -- the first 6 thing is how did you check to see if he was 7 conscious or not? 8 A. I did -- I conducted the sternal rubs on 9 the subject. 10 Q. That's how you checked to see whether he 11 was conscious? 12 A. It's -- it's a -- it's a way to see if 13 they can feel -- if they feel the pain, then most 14 of the times they'll -- they'll react to it. 15 Q. But I'm trying to understand, because 16 you had said first you -- you checked to see if he 17 was conscious, then you conducted the sternal rub. 18 Was that one and the same thing? 19 A. That's my method of checking to see if 20 he was conscious. 21 Q. Tell me how you did that. 22 A. I used my -- I guess, my index knuckle 23 and placed it on his chest and just pressed down 24 on it to see if he felt any pain or a reaction 25 from it.</p>	<p style="text-align: right;">Page 57</p> <p>1 deliver some lower back taps to get the person to 2 start -- or wake up, get some blood flow or 3 breathing to start again. 4 Q. All right. And how long did that take? 5 A. Three seconds. 6 Q. So in a period of 10 seconds you did a 7 sternal rub, you checked for a pulse, and you hit 8 his back three times in the lower back? 9 A. Yes. 10 Q. Pretty fast. 11 During this time, what was 12 Officer Lopera doing? 13 A. I did not see him. 14 Q. Was he -- was he near Mr. Farmer-Brown? 15 A. I don't recall. 16 Q. Did he check to see if he was conscious? 17 A. No. 18 Q. Did he check to see if he had a pulse? 19 A. No. 20 Q. Did he sit him up and tap his back to 21 see if he could arouse him? 22 A. No. 23 Q. And did you conduct any -- after you had 24 done this, you said you called dispatch and asked 25 them to roll an ambulance?</p>

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<p style="text-align: right;">Page 58</p> <p>1 A. Yes.</p> <p>2 Q. All right. How long did it take to get</p> <p>3 an ambulance there?</p> <p>4 A. I don't recall.</p> <p>5 Q. Estimate.</p> <p>6 A. Three minutes.</p> <p>7 Q. Pretty fast.</p> <p>8 A. Three to five. I don't know.</p> <p>9 Q. Okay. So -- and during this time, while</p> <p>10 you were waiting for the ambulance, did you</p> <p>11 conduct cardiopulmonary resuscitation?</p> <p>12 A. I did not.</p> <p>13 Q. Why not?</p> <p>14 A. Another officer that arrived began CPR.</p> <p>15 Q. And who was that?</p> <p>16 A. Officer -- I don't know how to spell his</p> <p>17 last name -- Amburgey.</p> <p>18 Q. Okay. And Officer Lopera, where is he?</p> <p>19 A. I don't know.</p> <p>20 Q. Did you ever look to see where he went?</p> <p>21 A. No.</p> <p>22 Q. Did you hear him talking?</p> <p>23 A. I do recall -- I don't know who he was</p> <p>24 talking to, but I do recall him saying that the</p> <p>25 subject was trying to carjack somebody.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. He's a -- he transferred to day shift.</p> <p>2 Q. Day shift on the Strip?</p> <p>3 A. Correct. Same -- same station.</p> <p>4 Q. Did you -- you looked through the</p> <p>5 entirety of the video.</p> <p>6 Did you see any attempts being made by</p> <p>7 Tashi Farmer-Brown to carjack a vehicle?</p> <p>8 MR. ANDERSON: Can I just object on</p> <p>9 foundation? Did we establish he watched all the</p> <p>10 video? I apologize.</p> <p>11 MR. SAYRE: He said -- I went through</p> <p>12 both of them. He said he had watched both. He</p> <p>13 also said he watched them sync'd, as I recall.</p> <p>14 THE WITNESS: I'm sorry. What was the</p> <p>15 question?</p> <p>16 BY MR. SAYRE:</p> <p>17 Q. The question was in looking at the</p> <p>18 videos, either one or both together, did you see</p> <p>19 any attempt made by Tashi Farmer-Brown to hijack a</p> <p>20 vehicle?</p> <p>21 A. In the video, he approached a white</p> <p>22 pickup truck. But through -- based on the video,</p> <p>23 I did not see him attempt to hijack a vehicle.</p> <p>24 Q. All right. Did you read the report, the</p> <p>25 arrest report?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Did you see whether he was addressing</p> <p>2 Sergeant Crumrine?</p> <p>3 A. I did not see who he was talking to.</p> <p>4 Q. While you were doing the various things</p> <p>5 to try to determine the consciousness of</p> <p>6 Mr. Farmer-Brown, where was Officer Crumrine?</p> <p>7 A. I don't know.</p> <p>8 Q. Where was Officer Flores?</p> <p>9 A. He was -- he was next to me. I don't</p> <p>10 know if he was directly next to me, but I know he</p> <p>11 was around.</p> <p>12 Q. I'm sorry. I may have asked you this</p> <p>13 before.</p> <p>14 What's Officer Flores's first name?</p> <p>15 A. Michael.</p> <p>16 Q. And you said that you and he are no</p> <p>17 longer partners?</p> <p>18 A. That's correct.</p> <p>19 Q. When did you stop being partners?</p> <p>20 A. Either in June or July.</p> <p>21 Q. And why was that? Just different</p> <p>22 assignment or what?</p> <p>23 A. I transferred to a different squad,</p> <p>24 different shift.</p> <p>25 Q. Okay. And where is Officer Flores?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. This one in front of me?</p> <p>2 Q. Yeah.</p> <p>3 A. I just briefly skimmed through it when</p> <p>4 it first came out.</p> <p>5 Q. Did you see that the person who was</p> <p>6 driving the truck was interviewed?</p> <p>7 A. In this report?</p> <p>8 Q. Yeah.</p> <p>9 A. I don't recall, no.</p> <p>10 Q. It's on page 2 of 8.</p> <p>11 A. 208?</p> <p>12 Q. 2 of 8.</p> <p>13 MR. ANDERSON: 6 is the bottom.</p> <p>14 THE WITNESS: Okay. No.</p> <p>15 BY MR. SAYRE:</p> <p>16 Q. So you didn't read him say that he</p> <p>17 didn't think there was -- anybody was trying to</p> <p>18 carjack his vehicle?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did you read where the officer said if</p> <p>21 he had -- Mr. Farmer-Brown had survived, he would</p> <p>22 not have been facing any charges for carjacking?</p> <p>23 A. No.</p> <p>24 Q. Now, let's look at page 2 of 8. Okay.</p> <p>25 It says at 0434 hours, which is 4:34 a.m., I</p>

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<p style="text-align: right;">Page 62</p> <p>1 assume, Officer Tran was interviewed by 2 detectives. 3 Do you recall that? 4 A. Yes, I remember the interview. 5 Q. Okay. Where did the interview take 6 place? 7 A. Maybe a hundred feet away from the 8 scene, in the Metro vehicle. 9 Q. Was it recorded? 10 A. Yes. 11 Q. Do you know who the two detectives were 12 or whether -- assuming there were two? 13 A. No. 14 Q. Did you know either detective? 15 A. No. I know I had my union rep with me. 16 Q. Okay. What's his name? 17 A. I'm trying to -- I don't know. 18 Q. Okay. Then it says -- this is a summary 19 of the interview. 20 "When he arrived to the rear of the 21 Venetian, Officer Tran observed an LVMPD vehicle 22 in the street and an officer in a green uniform, 23 with a suspect on the ground." 24 That's what you've told us previously; 25 right?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. So all you had to do was hook up the 2 other hand? 3 A. Yes. 4 Q. The other arm, rather. Okay. 5 Then it says, "When he looked at the 6 suspect, he appeared to be unconscious"; right? 7 A. Yes. 8 Q. Doesn't say anything about you 9 handcuffing him and then looking at him. What it 10 says is you came up. He appeared to be 11 unconscious. 12 A. Yes. 13 Q. "Officer Tran told Lopera to let go." 14 Now, you've denied saying that; right? 15 A. Yes. 16 Q. So is this officer being untruthful with 17 what he says you said? 18 MR. ANDERSON: Objection. Form. 19 THE WITNESS: I told -- I told the 20 detective, I said, "Loosen up." I never said, 21 "Let go." 22 BY MR. SAYRE: 23 Q. Okay. Now, over here on 3:25, on 24 page 000009, the officer who listened to the tape 25 says, "Officer Tran arrived and said, 'Let him go,</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes. 2 Q. "When he exited his vehicle and 3 approached it, it appeared the officer had the 4 suspect in the LVNR and handcuffed in one hand." 5 Now, is that what you told them, that he 6 appeared to have them -- him in an LVNR? 7 A. Yes. 8 Q. Okay. And why did you say that? 9 A. Because after we took him into custody, 10 I saw the elbow and assumed the subject was in the 11 LVNR. 12 Q. Okay. And then it says -- and it says 13 that the officer had a handcuffed in one hand. 14 A. The officer had a handcuff in one hand? 15 Q. Seems to be. 16 Are you saying that the suspect had a 17 handcuff in one hand? 18 A. Correct. He had a handcuff on his left 19 hand. 20 Q. Oh, okay. So the suspect had a handcuff 21 on one hand, his left hand? 22 A. Yes. 23 Q. All right. And that was the hand that 24 was behind his back? 25 A. Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 Ken." 2 You've denied that he said that -- that 3 you said that? 4 A. I did not say that. 5 Q. Have you listened to a tape of your 6 interview? 7 A. No. 8 Q. But you've listened to the two tapes, 9 the sync'd tapes? 10 A. I watched the videos. 11 Q. Video. Have you listened to the audio? 12 A. It was playing while the video was 13 playing. 14 Q. And you're saying you never heard the 15 audio say, "Let him go"? 16 A. I heard the -- I heard that statement, 17 but it was not me that said it. 18 Q. Okay. Who said it? 19 A. I'm assuming it was Sergeant Crumrine 20 that said it. 21 Q. Did you -- did you hear him say, "Let 22 him go, Ken"? 23 A. I only heard all the statements on the 24 video. The statements were said prior to my 25 arrival. After I arrived, I didn't hear any</p>

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<p style="text-align: right;">Page 66</p> <p>1 statements.</p> <p>2 Q. Okay. But you heard on the video a</p> <p>3 statement by somebody saying, "Let him go, Ken"?</p> <p>4 A. Yes.</p> <p>5 Q. And you believe that that was Officer</p> <p>6 Crumrine?</p> <p>7 A. Yes.</p> <p>8 Q. Not you?</p> <p>9 A. It was not me.</p> <p>10 Q. Now, after Officer Crumrine said, "Let</p> <p>11 him go, Ken," is that when you went about</p> <p>12 handcuffing him?</p> <p>13 A. I don't know.</p> <p>14 Q. You don't know whether you heard that</p> <p>15 and then you started handcuffing him?</p> <p>16 A. The statements were said before I</p> <p>17 arrived. I don't --</p> <p>18 Q. Okay.</p> <p>19 A. I didn't hear any statements when I</p> <p>20 arrived.</p> <p>21 Q. So when you arrived, you didn't hear any</p> <p>22 statement?</p> <p>23 A. I did not.</p> <p>24 Q. Did you ever talk to Officer Flores</p> <p>25 about having heard on the tape Officer Crumrine</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. When you listened to the tape, from the</p> <p>2 time that you heard Crumrine say, "Let him go,</p> <p>3 Ken," to the time that you said "loosen up," how</p> <p>4 much time passed?</p> <p>5 A. I don't know.</p> <p>6 Q. Well, here it says that you -- maybe</p> <p>7 they're wrong, but it says that you said, at 3</p> <p>8 minutes and 25 seconds, "Let him go, Ken."</p> <p>9 Let's assume that that -- from what you</p> <p>10 say, that that was Crumrine. And then it's</p> <p>11 another 47 seconds before Lopera releases the</p> <p>12 hold.</p> <p>13 Are you saying you told Lopera, just</p> <p>14 before he released the hold, "Loosen up, Ken"?</p> <p>15 A. That's correct.</p> <p>16 Q. Okay. So it would be more like 40-some</p> <p>17 seconds from the time that Crumrine says, "Let him</p> <p>18 go, Ken," to when you say loosen up the hold;</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Did you hear Crumrine, in the video,</p> <p>22 saying, "Let him go, Ken"?</p> <p>23 A. In the video, yes.</p> <p>24 Q. And did you hear Lopera saying, "Are you</p> <p>25 sure?"</p>
<p style="text-align: right;">Page 67</p> <p>1 saying, "Let him go, Ken"?</p> <p>2 A. I don't recall.</p> <p>3 Q. It says, "When Officer Lopera loosened</p> <p>4 up on the LVNR, the suspect was able to be placed</p> <p>5 in handcuffs."</p> <p>6 So to the detectives you said you placed</p> <p>7 him in handcuffs after the LVNR was loosened up.</p> <p>8 A. That's correct. After reviewing the</p> <p>9 videos -- this interview was immediately that</p> <p>10 night. After reviewing the videos, I determined</p> <p>11 that my recollection of the events were different.</p> <p>12 That night I thought that since we</p> <p>13 couldn't get the left arm out, that I looked down</p> <p>14 and observed Farmer unconscious, and I stated to</p> <p>15 him loosen up. That's when I was able to handcuff</p> <p>16 his arms.</p> <p>17 But after reviewing the tapes or the</p> <p>18 video, it was the opposite. We handcuffed him</p> <p>19 first, and then I told him to loosen up.</p> <p>20 Q. When you listened to the video, could</p> <p>21 you hear you saying, "Loosen up"?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And that was just before he</p> <p>24 actually loosened up the -- the hold?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 69</p> <p>1 A. Yes.</p> <p>2 Q. And did you hear Crumrine saying,</p> <p>3 "Yeah"?</p> <p>4 A. I don't recall that.</p> <p>5 Q. But you remember Lopera immediately,</p> <p>6 after Crumrine said, "Let him go, Ken," saying,</p> <p>7 "Are you sure?"</p> <p>8 A. Yes.</p> <p>9 Q. But you don't remember hearing a</p> <p>10 response?</p> <p>11 A. Not from the video. I haven't seen the</p> <p>12 video in a while.</p> <p>13 Q. Okay. It then says, at 3:27, "Roll him</p> <p>14 to -- hold on. Don't grab my fucking legs."</p> <p>15 Did you hear him say that?</p> <p>16 A. Yes, I heard -- I heard Lopera say,</p> <p>17 "Don't grab my fucking legs."</p> <p>18 Q. And who was grabbing his fucking legs?</p> <p>19 A. I don't -- it was either myself or</p> <p>20 Officer Flores, but I don't recall.</p> <p>21 Q. Okay. And then it says, "Officer Tran</p> <p>22 stated, 'We're on top of him.'"</p> <p>23 Did you state that?</p> <p>24 A. I don't recall stating that.</p> <p>25 Q. Did you hear it?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. On the video, I don't recall, no.</p> <p>2 Q. Okay. And then it says, at 3:00,</p> <p>3 "Officer Lopera stated, 'Roll him to the other</p> <p>4 side. Get the other arm, too.'"</p> <p>5 Sounds like you're trying to handcuff</p> <p>6 him.</p> <p>7 A. Correct.</p> <p>8 Q. And do you remember Officer Lopera</p> <p>9 saying that?</p> <p>10 A. I don't.</p> <p>11 Q. Do you remember hearing it on the tape?</p> <p>12 A. I don't.</p> <p>13 Q. 3:36, "Officer Lopera placed the palm of</p> <p>14 his hand on Farmer's forehead."</p> <p>15 Did you see that happen?</p> <p>16 A. No.</p> <p>17 Q. Did you see it on the tape?</p> <p>18 A. I don't recall now.</p> <p>19 Q. Okay. Officer -- at 3:38,</p> <p>20 "Officer Lopera asked, 'You got the other one?'"</p> <p>21 You remember him saying that?</p> <p>22 A. No.</p> <p>23 Q. Do you remember that he was trying to</p> <p>24 help you with the handcuffing of Mr. Farmer-Brown?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 BY MR. SAYRE:</p> <p>2 Q. You didn't see him approach</p> <p>3 Mr. Farmer-Brown after he released the hold?</p> <p>4 A. I don't recall that.</p> <p>5 Q. You didn't see him attempt to determine</p> <p>6 whether he had a pulse?</p> <p>7 A. No.</p> <p>8 Q. You didn't see him attempt to do any</p> <p>9 resuscitation?</p> <p>10 A. No.</p> <p>11 Q. Then it says, at 4 minutes and 36</p> <p>12 seconds, "Officer Lopera stated, 'I tased him.'"</p> <p>13 Did you hear him say that?</p> <p>14 A. No.</p> <p>15 Q. Then at 4:38, "Officer Lopera stated,</p> <p>16 'Roll medical.'"</p> <p>17 A. I didn't hear him say that.</p> <p>18 Q. Okay. You didn't rolled medical yet at</p> <p>19 that point, had you? You hadn't asked for it to</p> <p>20 be rolled?</p> <p>21 A. I don't know the exact timeframe, but I</p> <p>22 cleared -- I cleared the red, which is -- it opens</p> <p>23 up the channel.</p> <p>24 Q. Right.</p> <p>25 A. And I said, "Roll medical." But I don't</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. So you were there during this time when</p> <p>2 Mr. Farmer-Brown is unconscious?</p> <p>3 A. Yes.</p> <p>4 Q. And it says, at 3:50, "Farmer gasps."</p> <p>5 Did you hear him gasp?</p> <p>6 A. No.</p> <p>7 Q. And then at 4:11, "Lopera released the</p> <p>8 hold on Farmer."</p> <p>9 You were there when that happened?</p> <p>10 A. Yes.</p> <p>11 Q. Then it says, at 4:17, six seconds</p> <p>12 later, "Lopera stated he tried to carjack</p> <p>13 somebody."</p> <p>14 Did you hear Lopera say that?</p> <p>15 A. Yes.</p> <p>16 Q. Where was he located when he said that?</p> <p>17 A. I don't recall.</p> <p>18 Q. Is it fair to say that Officer Lopera,</p> <p>19 once he released the hold, did nothing further to</p> <p>20 try to determine the medical condition of</p> <p>21 Tashi Farmer-Brown?</p> <p>22 MR. McNUTT: Objection. Form.</p> <p>23 THE WITNESS: I wasn't focused on</p> <p>24 Lopera, but I don't recall him doing anything.</p> <p>25</p>	<p style="text-align: right;">Page 73</p> <p>1 recall what timeframe or when -- when that was.</p> <p>2 Q. Okay.</p> <p>3 A. It was immediately after the incident,</p> <p>4 after taking him into custody.</p> <p>5 Q. Now, do you hear -- there's this</p> <p>6 sequence here at 5 minutes 3 seconds. "Sergeant</p> <p>7 Crumrine approached Officer Lopera.</p> <p>8 Officer Lopera told Sergeant Crumrine he was</p> <p>9 getting coffee when he was approached by a guy who</p> <p>10 said someone was following him. Officer Lopera</p> <p>11 then stated the male ran away from the officers</p> <p>12 and outside the hotel. As Officer Lopera was</p> <p>13 chasing the male, he attempted to gain access into</p> <p>14 the bed of a truck, at which time Officer Lopera</p> <p>15 tased him. Farmer attempted to pull the ECD wires</p> <p>16 out, and Lopera said, 'I choked him out.'"</p> <p>17 Did you hear that conversation?</p> <p>18 A. No.</p> <p>19 Q. Did you hear it when you listened to the</p> <p>20 tape?</p> <p>21 A. I do recall a statement similar.</p> <p>22 Q. Did it sound like Officer Lopera was --</p> <p>23 was being boastful about having choked him out?</p> <p>24 MR. McNUTT: Objection. Form.</p> <p>25 THE WITNESS: Boastful?</p>

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<p style="text-align: right;">Page 74</p> <p>1 BY MR. SAYRE:</p> <p>2 Q. Yeah. He was proud --</p> <p>3 A. Like he was proud of it?</p> <p>4 Q. Yeah.</p> <p>5 A. No.</p> <p>6 Q. Take a look at page 000010. It says, at</p> <p>7 6:38, "Officer Lopera told Officer Flores and</p> <p>8 Ribacki what happened."</p> <p>9 Now, Flores is your partner --</p> <p>10 A. Correct.</p> <p>11 Q. -- right?</p> <p>12 That was the only Flores there that</p> <p>13 night?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Ribacki, do you know?</p> <p>16 A. He's another officer that was on our</p> <p>17 squad.</p> <p>18 Q. Okay. Do you know when he arrived at</p> <p>19 the scene?</p> <p>20 A. I do not.</p> <p>21 Q. "During the conversation, he stated, 'I</p> <p>22 start whaling on the dude, and then I rear-mounted</p> <p>23 and choked him out.'"</p> <p>24 Did you hear Lopera say that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 76</p> <p>1 BY MR. SAYRE:</p> <p>2 Q. Okay. All right. Then at 9:34, "Lopera</p> <p>3 talked to Officer Leaf."</p> <p>4 Is that spelled "Leaf" again?</p> <p>5 MR. ANDERSON: Is it Lif?</p> <p>6 THE WITNESS: Lif.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. "During the conversation, Officer Lopera</p> <p>9 told her, 'I start punching him, rear nakeded his</p> <p>10 ass. He went out.'"</p> <p>11 Did you hear that conversation?</p> <p>12 A. No.</p> <p>13 Q. Okay. At 11:25, "Officer Rybacki</p> <p>14 approached Officers Tran and Flores. One of the</p> <p>15 officers stated, 'He was out when we got here,'</p> <p>16 referring to Farmer. Rybacki responded, 'Oh, he</p> <p>17 was definitely on something.'"</p> <p>18 Now, do you remember having the</p> <p>19 conversation with Rybacki?</p> <p>20 A. I remember that specific moment, yes. I</p> <p>21 remember Rybacki and Flores.</p> <p>22 Q. Rybacki and Flores?</p> <p>23 A. Yes.</p> <p>24 Q. Is it Flores who said, "He was out when</p> <p>25 we got here?"</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Okay. At 7:41, "Officer Lopera tells</p> <p>2 another officer, 'I tased him, fought a little</p> <p>3 bit, and choked him out.'"</p> <p>4 Did you hear him say that?</p> <p>5 A. No.</p> <p>6 Q. Did you ever see Mr. Farmer-Brown</p> <p>7 fighting?</p> <p>8 A. I did not see any resistance.</p> <p>9 Q. Okay. Including when you looked at the</p> <p>10 tape, you didn't see him fighting?</p> <p>11 MR. McNUTT: Objection. Form.</p> <p>12 BY MR. SAYRE:</p> <p>13 Q. Did you see any fighting?</p> <p>14 A. He wasn't complying to officers'</p> <p>15 commands.</p> <p>16 Q. I understand.</p> <p>17 But did you see him fighting?</p> <p>18 MR. McNUTT: Objection. Form.</p> <p>19 THE WITNESS: I don't recall.</p> <p>20 BY MR. SAYRE:</p> <p>21 Q. He kept saying, "I will, I will," almost</p> <p>22 crying; right?</p> <p>23 MR. ANDERSON: Objection. Form.</p> <p>24 MR. McNUTT: Join.</p> <p>25 THE WITNESS: Yes, I recall that.</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I don't know. I didn't --</p> <p>2 Q. You didn't say it?</p> <p>3 A. I didn't say it, no.</p> <p>4 Q. Do you remember Flores saying it?</p> <p>5 A. I don't recall. I know it was said.</p> <p>6 Q. Well, there was only you and Flores</p> <p>7 talking to Rybacki.</p> <p>8 A. Correct. Yes.</p> <p>9 Q. So if it wasn't you --</p> <p>10 A. It was probably Flores.</p> <p>11 Q. All right. During the time -- from the</p> <p>12 time that you got there until the time that -- I</p> <p>13 assume Officer Flores got there the same time you</p> <p>14 did --</p> <p>15 A. Yes.</p> <p>16 Q. -- correct?</p> <p>17 From the time that you got there until</p> <p>18 the time that Officer Lopera released the hold,</p> <p>19 did Flores do anything whatsoever to intervene?</p> <p>20 A. No. We were trying to take him into</p> <p>21 custody.</p> <p>22 Q. Right. During the time from the time</p> <p>23 that you got there until the time that Lopera</p> <p>24 released the hold, did you see Sergeant Crumrine</p> <p>25 do anything to intervene?</p>

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<p style="text-align: right;">Page 78</p> <p>1 A. No.</p> <p>2 Q. All right. Now, take a look at --</p> <p>3 further on page 6 of 8. It says that this officer</p> <p>4 viewed the footage from the Venetian Hotel. And</p> <p>5 it says, at 56:40, "Officer Lopera holstered his</p> <p>6 ECD."</p> <p>7 And then from 56:40 to 57:03, that's a</p> <p>8 period of 23 seconds, "Lopera struck Farmer in the</p> <p>9 head approximately 10 to 12 times."</p> <p>10 Did you see that on the tape?</p> <p>11 A. Yes.</p> <p>12 Q. Was there any justification for that</p> <p>13 occurring?</p> <p>14 MR. ANDERSON: Objection. Form.</p> <p>15 Go ahead. Based upon what he saw?</p> <p>16 MR. SAYRE: Right. He saw.</p> <p>17 THE WITNESS: Based on the video, no.</p> <p>18 BY MR. SAYRE:</p> <p>19 Q. Okay. Now, he says, when he looks at</p> <p>20 the video from the Venetian -- or actually from</p> <p>21 the sync'd videos, he says that at 57:30, "Officer</p> <p>22 Tran told Officer Lopera to let go of Farmer."</p> <p>23 You deny that you said that?</p> <p>24 A. I don't know what timeframe it was. I</p> <p>25 didn't -- my statement was not "Let go." My</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. ANDERSON: Well, then if that's the</p> <p>2 case --</p> <p>3 MR. SAYRE: I can take a break too.</p> <p>4 MR. ANDERSON: No. Carry on.</p> <p>5 MR. SAYRE: All right.</p> <p>6 Q. All right. Now, from the time that you</p> <p>7 heard Crumrine say, "Let him go, Ken," until</p> <p>8 Officer Lopera released Farmer, was that</p> <p>9 approximately 46 seconds?</p> <p>10 A. Are you referring to the video?</p> <p>11 Q. Yes, sir.</p> <p>12 A. I -- I don't know.</p> <p>13 Q. Is that your best estimate?</p> <p>14 A. I would say 30 seconds, yeah.</p> <p>15 Q. Okay. And you didn't see in that 30</p> <p>16 seconds Officer Crumrine do anything to intervene</p> <p>17 with Officer Lopera?</p> <p>18 A. No.</p> <p>19 MR. SAYRE: Why don't we take a break.</p> <p>20 I may be done. I just have to look over a couple</p> <p>21 things.</p> <p>22 THE VIDEOGRAPHER: Half an hour is okay</p> <p>23 to leave the video on, or should I change the</p> <p>24 video, Counsel?</p> <p>25 MR. SAYRE: No. Half an hour will be</p>
<p style="text-align: right;">Page 79</p> <p>1 statement was, "Loosen up. Loosen up. He is</p> <p>2 out."</p> <p>3 Q. Okay.</p> <p>4 A. So I don't know what he's referring to,</p> <p>5 the detective in this.</p> <p>6 Q. And then it says, at 58:16, 46 seconds</p> <p>7 later, after you said whatever you said to Lopera,</p> <p>8 "Officer Lopera released Farmer."</p> <p>9 You see that?</p> <p>10 A. Yes.</p> <p>11 Q. Is that the correct period of time</p> <p>12 that -- after you told him to loosen up, or</p> <p>13 whatever you told him, did 46 seconds pass before</p> <p>14 Lopera actually released the hold?</p> <p>15 MR. McNUTT: Objection. Form.</p> <p>16 THE WITNESS: No. That's incorrect.</p> <p>17 After I stated to Lopera he was out --</p> <p>18 MR. SAYRE: Okay.</p> <p>19 THE WITNESS: -- Lopera immediately</p> <p>20 released the hold.</p> <p>21 MR. SAYRE: All right.</p> <p>22 MR. McNUTT: Fred, maybe at 1130-ish,</p> <p>23 we'll take a break?</p> <p>24 MR. SAYRE: Yeah. Yeah. I'm almost</p> <p>25 done, but I can take a break, too.</p>	<p style="text-align: right;">Page 81</p> <p>1 good. I won't need that.</p> <p>2 THE VIDEOGRAPHER: Okay. We are off the</p> <p>3 record at 11:26 a.m.</p> <p>4 (Whereupon, a recess was taken.)</p> <p>5 THE VIDEOGRAPHER: Back on the record.</p> <p>6 The time is 11:31 a.m.</p> <p>7 BY MR. SAYRE:</p> <p>8 Q. Part of the training, or at least the</p> <p>9 way I read it in the manual, says that the</p> <p>10 Metropolitan Police Department trains its officers</p> <p>11 how to escape from a rear naked choke.</p> <p>12 Did you get that training?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Well, so you have to know how a</p> <p>15 rear naked choke is applied, presumably, in order</p> <p>16 to be able to escape from it; right?</p> <p>17 MR. McNUTT: Objection. Form.</p> <p>18 THE WITNESS: Not necessarily. We know</p> <p>19 how the LVNR is applied, and we're taught how to</p> <p>20 fight off the first -- the front arm.</p> <p>21 BY MR. SAYRE:</p> <p>22 Q. Okay. So in a rear naked choke, is it</p> <p>23 the same type of maneuver, you fight off the first</p> <p>24 arm?</p> <p>25 A. In the academy, we called it headlock</p>

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<p style="text-align: right;">Page 82</p> <p>1 defense, not necessarily LVNR defense or rear 2 naked choke defense. But we do -- we do try to 3 fight off that first initial encircling arm. 4 Q. Okay. Did you ever have a conversation 5 with Officer Flores about whether or not the hold 6 that Officer Lopera had around the neck of 7 Mr. Farmer-Brown was a lateral vascular neck 8 restraint or a rear naked choke hold? 9 A. We both agreed that we didn't know what 10 it was. 11 Q. Okay. You said that you did not see 12 where -- tell me again. 13 How much of the hold did you see? 14 A. I saw the -- the -- Lopera's elbow 15 around Farmer's neck, and his -- the point of 16 Lopera's elbow was directly in front of his 17 throat. 18 Q. Right. So as to not put pressure on the 19 trachea -- 20 A. Correct. 21 Q. -- right? 22 And then where were the hands or the 23 rest of the arm? 24 A. I did not see that part. 25 Q. Okay. Now, the LVNR requires that the</p>	<p style="text-align: right;">Page 84</p> <p>1 close to 100 percent of the blood. 2 Do you know that? 3 A. I do not. 4 MR. ANDERSON: Objection. Form. 5 BY MR. SAYRE: 6 Q. Have you ever had the lateral vascular 7 neck restraint applied to you? 8 A. Yes. 9 Q. Did you go unconscious? 10 A. No. 11 Q. Did you tap out? 12 A. We were in training. No. 13 Q. The -- there has been a change in the 14 policy of the police department regarding the use 15 of the lateral vascular neck restraint. 16 Have you been trained in that? 17 A. Yes. 18 Q. And what have you been trained? 19 A. We were -- the use of force model was 20 updated, where the LVNR level 1 has moved from a 21 low-level control to an intermediate use of force. 22 Q. And what has happened, if anything, with 23 regard to the LVNR level 2? 24 A. I believe it's remained the same. 25 Q. And how about LVNR level 3?</p>
<p style="text-align: right;">Page 83</p> <p>1 point of the elbow be in front of the throat so 2 it's not an air choke? 3 A. Correct. Right. 4 Q. But then you have to have the arm 5 alongside the neck; correct? 6 A. The side of the neck. 7 Q. Right. The -- so that it puts pressure 8 on the nerves in the side of the neck, right? 9 A. The carotid artery. 10 Q. The carotid, vagus. It is a blood 11 choke, right? 12 A. Correct. 13 Q. But you're not supposed to -- in an 14 LVNR, you're not supposed to put pressure on the 15 back of the neck? 16 A. No. 17 Q. Do you know why? 18 A. Injury to the neck or spine. 19 Q. Well, what they say is that 20 percent 20 of the blood going to the brain goes up through 21 the vertebral area. So you still have blood going 22 to the brain. 23 So the difference is if you put the 24 pressure on the rear, then that's -- that's the 25 naked rear choke, because then you're cutting off</p>	<p style="text-align: right;">Page 85</p> <p>1 A. It's still remained the same. 2 Q. And what is the LVNR level 3 level as 3 far as the use of force? 4 A. It's intermediate use of force or deadly 5 force. 6 Q. Okay. So it could be either 7 intermediate use of force or deadly force. 8 What's the difference between the LVNR 9 level 1 and the LVNR level 2? 10 A. The level 1 is a zero-degree hold, where 11 you're just restraining the subject. As you go up 12 in levels, you're applying more pressure and the 13 angle of the LVNR. 14 Q. Well, what's the angle that it becomes 15 in LVNR 2? 16 A. 20 degrees. 17 Q. And how do you effectively do a 18 20-degree angle? 19 A. You -- are you asking how do you bring 20 it to a 20-degree? 21 Q. Yeah. 22 A. Your rear arm is lifted 20 degrees. 23 Q. Now, you can't do that with any 24 mathematical precision; right? 25 A. No, I suppose not.</p>

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<p>Page 86</p> <p>1 Q. So it's just kind of an estimate?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And then to go from an LVNR</p> <p>4 2 to an LVNR 3, what's that difference?</p> <p>5 A. That's a -- level 3 is a 45-degree.</p> <p>6 Q. Okay. And, again, you have to lift your</p> <p>7 arm so it's at a 45-degree angle?</p> <p>8 A. Correct.</p> <p>9 Q. And, again, there's no mathematical</p> <p>10 precision about that; right?</p> <p>11 A. Half of 90 degrees.</p> <p>12 Q. Right. But it's just an estimate on the</p> <p>13 part of the officer?</p> <p>14 A. Yes.</p> <p>15 Q. Are you given any training on how to</p> <p>16 determine what the difference is between an LVNR 2</p> <p>17 and an LVNR 3?</p> <p>18 A. Yes.</p> <p>19 Q. What's that?</p> <p>20 A. In the academy, we practiced all the</p> <p>21 angles. I don't know the amount of hours, but we</p> <p>22 went through all the levels.</p> <p>23 Q. All right. How many hours did you train</p> <p>24 on the LVNR?</p> <p>25 A. I don't know. If I had to estimate, at</p>	<p>Page 88</p> <p>1 Domain 20 and Learning Domain 33?</p> <p>2 A. No.</p> <p>3 Q. Not by numbers.</p> <p>4 Have you --</p> <p>5 A. I've never heard of Learning Domain.</p> <p>6 Q. You've never heard of the word "Learning</p> <p>7 Domain"?</p> <p>8 A. I don't believe so.</p> <p>9 Q. Take a look at this book, please.</p> <p>10 MR. SAYRE: And maybe you can look on</p> <p>11 with him. I've got one other for counsel.</p> <p>12 MR. McNUTT: Thank you.</p> <p>13 MR. SAYRE: That's my bad, as my son</p> <p>14 would say. I should have had one more.</p> <p>15 BY MR. SAYRE:</p> <p>16 Q. Take a look at 61 -- 0616 down at the</p> <p>17 bottom. It has a copyright of James Lindell.</p> <p>18 Do you know who James Lindell is?</p> <p>19 A. No, I don't.</p> <p>20 Q. Okay. Well, he's the father of the</p> <p>21 lateral vascular neck restraint, or at least one</p> <p>22 of them, anyway.</p> <p>23 It says, in the middle, if you look at</p> <p>24 about a third of the way down, "The two greatest</p> <p>25 problems with police neck restraint are that</p>
<p>Page 87</p> <p>1 least 40 hours -- 30, 40 hours.</p> <p>2 Q. Okay.</p> <p>3 A. It was a lot of hours.</p> <p>4 Q. And have you had to recertify or retrain</p> <p>5 on a yearly basis?</p> <p>6 A. Yes.</p> <p>7 Q. How many hours?</p> <p>8 A. Two hours this year.</p> <p>9 Q. When did those occur?</p> <p>10 A. Our defensive tactics, our quarterly.</p> <p>11 So I don't know. I couldn't tell you.</p> <p>12 Q. When is the last time that you certified</p> <p>13 on the LVNR prior to May of 2017?</p> <p>14 A. Certified?</p> <p>15 Q. Retrained.</p> <p>16 A. I don't recall. Every quarter is not</p> <p>17 the same exact training. So I do recall doing it</p> <p>18 this year, but I don't -- I don't know prior to</p> <p>19 May.</p> <p>20 Q. Okay. Has it always been two years or</p> <p>21 two hours a year?</p> <p>22 A. I believe so.</p> <p>23 Q. Okay. Are you POST-certified?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So are you familiar with Learning</p>	<p>Page 89</p> <p>1 officers are often not taught how to regulate</p> <p>2 control of a subject by the neck and when to stop</p> <p>3 compression on a subject's neck."</p> <p>4 What training have you been -- have you</p> <p>5 received from the Metropolitan Police Department</p> <p>6 as to when to stop compression on a subject's</p> <p>7 neck?</p> <p>8 A. The LVNR -- are you referring to in the</p> <p>9 LVNR training?</p> <p>10 Q. Yes, sir. Either in it or outside of</p> <p>11 it. But it has to do with the lateral vascular</p> <p>12 neck restraint.</p> <p>13 What training have you received as to</p> <p>14 when to stop compression on a subject's neck?</p> <p>15 A. When the subject's resistance is over</p> <p>16 and if he's unconscious.</p> <p>17 Q. Okay. So either he's not resisting or</p> <p>18 he's unconscious, in which case he's not</p> <p>19 resisting.</p> <p>20 A. Can be the same.</p> <p>21 Q. Right. Okay. So how can you tell if a</p> <p>22 subject is unconscious?</p> <p>23 A. I would think when he's not responding</p> <p>24 to your commands, if he's not moving, if he's not</p> <p>25 resisting.</p>

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<p style="text-align: right;">Page 90</p> <p>1 Q. Okay. Now, do you have any idea why 2 Officer Lopera would be saying, "Is he out yet? 3 Is he out yet?" 4 A. I believe he was possibly trying to put 5 him out, to render him unconscious. 6 Q. Why wouldn't he know whether he was 7 unconscious or not? 8 MR. ANDERSON: Objection to form. 9 THE WITNESS: I don't know. 10 BY MR. SAYRE: 11 Q. What training have you received from the 12 Metropolitan Police Department to ascertain 13 whether somebody is unconscious? How do you do 14 it? 15 A. Like I said earlier, if they're not 16 resisting and they're not responding to your 17 commands or questions. 18 Q. Now, Mr. Farmer wasn't resisting during 19 any time that you were handcuffing him; right? 20 A. No. 21 Q. So during the time you were handcuffing 22 him, he should not have been having a neck 23 restraint placed on his neck; right? 24 A. I wasn't there. I don't know what 25 transpired prior to my arrival. But based on the</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Well, but you said you had him in 2 custody once he's handcuffed. 3 A. Correct. 4 Q. So there's no reason to maintain the 5 compression hold once he's handcuffed. 6 A. Yes. And he released the hold as soon 7 as I let him know. 8 Q. Take a look at Basic Coursework Book 9 Series Learning Domain 20. It's at the back of 10 your booklet. Sorry. That's not Bates stamped. 11 It's in the excerpts from the California POST 12 training. 13 MR. ANDERSON: Has this been produced in 14 the litigation? 15 MR. SAYRE: I don't think so, but I 16 will. 17 MR. ANDERSON: Okay. No, that's fine. 18 But it's California police standards? 19 MR. SAYRE: It is, yeah. Right. My 20 understanding is it's -- POST training is 21 universal, but it comes from the -- California. 22 Q. All right. The first page, it says, 23 "Unreasonable force occurs when the type, degree, 24 and duration of force employed was not necessary 25 or appropriate."</p>
<p style="text-align: right;">Page 91</p> <p>1 video, I believe -- I guess not. 2 Q. Okay. Now, take a look at 0617. 3 There's the first full paragraph. It says, 4 "Officers also learn to respond to a subject's 5 submission and relax compression as soon as 6 resistance ceases." 7 So is that it? When the resistance 8 ceases, you relax compression on the neck? 9 A. Correct. 10 Q. Is that how you're trained by the 11 Metropolitan Police Department? 12 A. Yes. If they're not resisting, there's 13 no need to raise the level of the LVNR. 14 Q. Well, if they're not resisting, there's 15 no reason to even have the compression hold on the 16 neck; right? 17 A. Well, depends on the circumstances. 18 Q. Okay. Under what circumstances would it 19 be okay, based upon your training, to maintain a 20 compression hold on a neck if the subject is not 21 resisting? 22 A. To -- if the subject was in a physical 23 fight with a person or trying to harm another 24 person, until we have the subject in custody, the 25 level 1 can be used to control the subject.</p>	<p style="text-align: right;">Page 93</p> <p>1 Do you agree with that? 2 A. Yes. 3 Q. So if a compression hold is maintained 4 on the neck of a person after he has been rendered 5 unconscious, that would be unreasonable force, 6 correct, by this definition? 7 A. Yes. 8 Q. Okay. Then the next page, if you look 9 at 6-7, "The community expects its peace officers 10 will use reasonable force and peace officers will 11 intervene if reasonable force is exceeded. For 12 the community and officers' protection, the 13 officer must know the laws pertaining to 14 intervention." 15 Do you agree with that? 16 A. Yes. 17 Q. Okay. "Intervention is the act of 18 attempting to prevent or attempting to stop the 19 inappropriate or unlawful behavior of another." 20 Do you agree with that? 21 A. Yes. 22 Q. "If a compression hold is maintained on 23 the neck after a subject has been rendered 24 unconscious, an adjacent officer has a duty to 25 intervene to stop that force being applied";</p>

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1 correct?

2 A. Yes.

3 Q. Take a look at 6-8. Fourth Amendment

4 Protection.

5 "The United States Constitution protects

6 an individual from unlawful actions of peace

7 officers. The officer who fails to intervene for

8 whatever reason is also held accountable by the

9 United States Code."

10 You agree with that?

11 A. Yes.

12 Q. And that's how you've been trained?

13 A. Yes.

14 Q. Take a look at the next section from --

15 this is from Learning Domain 33, and it is

16 Chapter 4, page 10.

17 Do you have that?

18 A. Yes.

19 Q. All right. It says, "If the carotid

20 restraint control hold is not properly applied,

21 the risk of injury to the subject increases. The

22 following charts illustrate some of the possible

23 dangers of an improperly applied hold. Improper

24 action. Maintaining compression after subject has

25 been rendered unconscious."

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1 Do you agree that that is a potential

2 danger of applying a carotid restraint control

3 hold?

4 A. Yes.

5 Q. It's something that an officer has to be

6 very careful about; right?

7 A. Yes.

8 Q. Next page, 411. Under "Release The

9 Hold," do you see that?

10 A. Yes.

11 Q. "Rationale. Maintaining the hold beyond

12 the time subject loses consciousness can lead to

13 physical complications for the subject."

14 Do you agree with that?

15 A. Yes.

16 Q. For example, a person can die?

17 A. Yes.

18 MR. SAYRE: I have nothing further.

19 MR. ANDERSON: I have no questions.

20 THE VIDEOGRAPHER: Nothing?

21 Okay. This concludes today's deposition

22 of Michael Tran. The number of media used was

23 one. We are off the record at 11:51 a.m.

24 (Whereupon, the deposition concluded

25 at 11:51 a.m.)

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CERTIFICATE OF DEPONENT

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I, OFFICER MICHAEL TRAN, deponent herein, do hereby certify and declare the within and foregoing transcription to be my deposition in said action; that I have read, corrected, and do hereby affix my signature to said deposition under penalty of perjury.

OFFICER MICHAEL TRAN, Deponent

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CERTIFICATE OF COURT REPORTER

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Kimberly A. Farkas, Certified Court Reporter licensed by the State of Nevada, do hereby certify that I reported the deposition of Officer Michael Tran, commencing on December 20, 2017, at 9:57 a.m.

Prior to being deposed, the witness was duly sworn by me to testify to the truth. I thereafter transcribed my said stenographic notes, and that the transcript is a complete, true, and accurate transcription, and that a request was made for a review of the transcript.

I further certify that I am not a relative, employee, or independent contractor of counsel, nor a person financially interested in the proceeding.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this January 8th, 2018.

Kimberly A. Farkas, CCR No. 741